

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 DECEMBER 2015 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 DECEMBER 2015 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mr K Allen	-	Councillor
Ms L Wetton	-	Councillor
Dr C Terblanche	-	Councillor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mr S Pratt	-	Councillor
Mr B Houwen	-	Councillor
Mr P Eva	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms H. Jestribek	-	Governance & Community Services, Corporate Communications, Communications & Marketing
Mr J Ngoroyemoto	-	Governance & Risk Co-ordinator
Mrs L. Jakovcevic	-	PA – Directors, Engineering. & Works and Planning & Development

1. edDECLARATION OF MEETING

The Presiding Member declared the Ordinary Council Meeting of 10 December 2015 open at 7.01 p.m. and welcomed everyone.

The Presiding Member acknowledged the Nyungar People who are the traditional custodians of the land we are meeting on and I pay respect to the Elders of the Nyungar Nation, both past and present and extend that respect to Indigenous Australians who are with us tonight.



Before moving to the agenda proper the Presiding Member made the following statements.

I welcome Mr Andrew Trosic, A/Director Planning & Development to the meeting.

Awards

On 18 November 2015 the City received a Certificate of Appreciation from the Australian Defence Reserves in recognition of the City's continued support of the Australian Defence Reserves.

The City has received advice that the Garage Sale Trail event held on 24 October resulted in a number of awards to local governments in Western Australia.

The City won an award for the most sales and stalls of any local government in Western Australia. Congratulations go to our sustainability team and everyone who participated in the event.

The City has been successful in its application for \$4.5m from the National Stronger Regions Fund that will provide for the re-location of the Cockburn Bowling Club to Visko Park to form a new facility that will include Futsal and Beach Volleyball facilities.

The City has received advice that a delegation from our sister city, Split, Croatia is to occur in January 2016. Detailed arrangements are underway with the planned visit due to occur around Australia Day.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

3. DISCLAIMER (To be read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4 (OCM 10/12/2015) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

- Mayor Logan Howlett - Financial (Proximity) Interest on Item 14.5
- Clr Kevin Allen - Impartiality Interest on Item 16.1
- Clr Kevin Allen - Impartiality Interest on Item 16.2



5 (OCM 10/12/2015) - APOLOGIES AND LEAVE OF ABSENCE

- Daniel Arndt, Director of Planning and Development - Leave of absence.

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 10/12/2015) - PUBLIC QUESTION TIME

Written Questions - Council Items on the Agenda

Sandie Fonseca – South Lake

Item 17.2 – Management and Operations Cockburn Recreational Facility

Q1. I am a resident and an employee of the South Lake Leisure Centre. As a resident and a member of the Leeming Masters Swim Club, I would like to know how much control the Council will have on costs in relation to the community, i.e. entry fees, lane hire charges, programs that are offered to the community and encourage disadvantaged groups having accessibility to the facilities etc.

A1. *Should Council proceed to enter into a Contract with a third party to outsource the operation of the new Recreation facility, conditions would be included in an Agreement that would enable Council to maintain control of any outcomes it wished, such as those matters mentioned within the question.*

Q2. How committed does Council think a private company will be to building community and service to the community? As an employee of the Leisure Centre for the past 11 years, I would like to know what provisions Council will put in place to ensure how our current terms of employment, rates of pay and conditions will be secured? Is this a consideration at all?

A2. *As per Q1, Council would retain the right to include conditions in a contract that protected the current South Lake Leisure staff to the extent stipulated by Council. If there was any agreement and Council did decide to go this way and outsource their management operations, then a contract would be drawn up that would include with any conditions Council thought appropriate for those circumstances.*

Non Written Questions - Council Items not on the Agenda

Debbie Gibson – Hamilton Hill

Q1. Can Council please direct me and other rate payers regarding the



current policy on the processes regarding the building of a driveway within a residential property. What constitutes a works order.

A1. *From time to time Council provides quotations to private property owners to carry out works associated with their verge crossover or their driveway and providing that the quotation is accepted and paid, the work is carried out.*

8. CONFIRMATION OF MINUTES

8.1 **(MINUTE NO 5681) (OCM 10/12/2015) - MINUTES OF THE ORDINARY COUNCIL MEETING - 12 NOVEMBER 2015**

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 12 November 2015, as a true and accurate record.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr P Eva that the recommendation be adopted.

CARRIED 10/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 10/12/2015) - DEPUTATIONS AND PETITIONS

Deputations

- Item 14.4 – Daniel Correia and Mike Bower, Directors, Beeliar One P/L.
- Item 14.4 – Michael Sussa and Laurie Zagari, neighbouring residents of the affected area.
- Item 14.6 – Camille Clarke, Planner, Rowe Group.

Petition

Clr Steve Portelli tabled the following petition:



Petition from Southlake Residents –To support them in getting the powerline easement beautified and at the very least maintained.

11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)

Nil

12 (OCM 10/12/2015) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil.

13. COUNCIL MATTERS

AT THIS POINT, TIME BEING 7.41PM, THE FOLLOWING ITEMS WERE DEALT WITH 'EN BLOC'

13.5	14.3	15.1
	14.7	
	14.8	

13.1 (MINUTE NO 5682) (OCM 10/12/2015) - 2014/15 ANNUAL REPORT (022/002) (S SEYMOUR-EYLES) (ATTACH)

RECOMMENDATION

That Council accepts the 2014/15 Annual Report, in accordance with Section 5.54(1) of the Local Government Act, 1995, as shown in the attachment to the Agenda subject to any minor information and typographical amendments being included in the final document.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr C Terblanche that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Background

Council is required to accept the 2014/15 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Tuesday, 2 February 2015. The Local Government Act 1995 ('the Act') requires Council to accept the Report no later than 31 December each year. Elected Members were provided with the Financial Report and Auditor's Report at the Audit and Strategic Finance Committee Meeting on 19 November 2015, the Minutes of which are presented at this Council Meeting. This report now being presented to Council will be consolidated with the Concise Financial Report in time for the Annual Electors Meeting. The full financial report will be available on the City's website.

Submission

N/A

Report

The 2014/15 Annual Report is provided in conformity with the following requirements of the Act and contains:

1. Mayoral Report
2. Chief Executive Officer's Report
3. Measurement of performance data
4. Overview of the Plan for the Future of the District
5. Report in relation to the Complaints Register subject to Section 5.121 of the Act
6. Report required under Section 29(2) of the Disabilities Services Act 1993
7. Divisional Reports
8. Financial Statements
9. Auditor's Report
10. Remuneration of Senior Employees

At the request of the Mayor, an additional inclusion in this year's Report is the Meeting attendance record of all Members at Council and Standing Committees. This information regularly appears in other local government Annual Reports and featured in City of Cockburn Annual Reports until discontinued several years ago.

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.



Budget/Financial Implications

The cost of producing 100 copies of the Report is provided for in Council's Municipal Budget.

Legal Implications

Sec 5.54 of the Local Government Act 1995 refers.

Community Consultation

The Report will be available for public access at the Annual Electors Meeting to be held on 2 February 2015.

Attachment(s)

2014/15 Annual Report.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

- 13.2 **(MINUTE NO 5683) (OCM 10/12/2015) - MINUTES OF THE AUDIT & STRATEGIC FINANCE COMMITTEE MEETING - 19 NOVEMBER 2015 (026/007) (S DOWNING) (ATTACH)**

RECOMMENDATION
That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on Thursday, 19 November 2015, and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr P Eva that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Background

A meeting of the Audit and Strategic Finance Committee was conducted on 19 November 2015.

Submission

N/A

Report

The Audit and Strategic Finance Committee received and considered the following items:

1. Legal Proceedings Between Council and Other Parties
2. Risk Management Information Report
3. Appointment of External Auditor for the 2016 Financial Year
4. Contract for Internal Auditing Services for the 2016 and 2017 Financial Years
5. Annual Performance Review of Monetary and Non-Monetary Investments for the Financial Year 2014/15
6. Internal Audit – Procurement Improvements
7. Annual Financial Statements 2014/15 and External Audit Report
8. Review of Rate Setting Statement – Phase 2

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

As contained in the Minutes

Legal Implications

As contained in the Minutes.

Community Consultation

N/A



Attachment(s)

Minutes of the Audit and Strategic Finance Committee Meeting – 19 November 2015.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

- 13.3 **(MINUTE NO 5684) (OCM 10/12/2015) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 26 NOVEMBER 2015 (086/003; 182/001; 182/002) (D GREEN) (ATTACH)**

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 26 November 2015, and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted subject to the withdrawal of DAPPS Item 11.2 which is to be considered separately.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

DAPPS Item 11.2 – Proposed Amendments to Policy SC34 ‘Budget Management’.

MOVED Clr S Portelli SECONDED Clr K Allen that the recommendation be adopted subject to amending the proposed Policy by deleting the amendments to Clause (1) 4, 5, and 6 and deleting Clause (1) 11.

MOTION LOST 4/6



MOVED Clr S Pratt SECONDED Clr L Wetton that the recommendation be adopted.

CARRIED 7/3

Note: Clr S Portelli requested that his vote against the decision be recorded.

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 26 November 2015. The Minutes of the meeting are required to be presented.

Submission

N/A

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

The primary focus of this meeting was to review Policies and Position Statements and associated Delegated Authorities relevant to Planning and Development Services, including those DAPPS which were required to be reviewed on an as needs basis.

Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines



Budget/Financial Implications

As contained in the Minutes.

Legal Implications

N/A

Community Consultation

As contained in the Minutes.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 26 November 2015.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

13.4 (MINUTE NO 5685) (OCM 10/12/2015) - COUNCIL DELEGATE - JANDAKOT AIRPORT COMMUNITY AVIATION CONSULTATION GROUP (028/043) (D GREEN)

RECOMMENDATION

That Council appoint Clr Lee-Anne Smith as its delegate to the Jandakot Airport Community Aviation Consultation Group (JACACG).

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr L Smith that the recommendation be adopted.

CARRIED 10/0

Background

At the Special Meeting of Council conducted on 27 October 2015, Deputy Mayor Reeve-Fowkes was appointed to the JACACG as a



delegate of the City of Cockburn. Clr Terblanche was elected as a Proxy (Deputy).

Submission

N/A

Report

Clr Lee–Anne Smith has expressed an interest in nominating for this position, however, she was an apology at the 27 October 2015 Meeting where the appointment was made. Deputy Mayor Reeve-Fowkes is willing to step down from the appointment, given she is a Council delegate on three other external organisations and it is preferable that a local (East) Ward member represents the interests of Council at JACACG meetings.

Meetings are conducted at Jandakot Airport on a quarterly basis (March, June, September and December) on a Wednesday, commencing at 4.00pm Clr Smith has advised that she is available to attend Meetings at these times.

Council's Manager, Strategic Planning, Andrew Trosic attends the Meetings as a Technical Advisor.

Strategic Plan/Policy Implications

Policy PSPD7 'Jandakot Airport' refers.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.

Budget/Financial Implications

N/A

Legal Implications

Jandakot Airport is a Commonwealth Government operation which is governed by Federal legislation.

Community Consultation

The JACACG addresses local community concerns and issues as part of its Charter.



Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

13.5 (MINUTE NO 5686) (OCM 10/12/2015) - APPOINTMENT TO REFERENCE GROUPS (028/009; 027/007; 027/014; 027/016) (D.GREEN)

RECOMMENDATION

That Council appoint Clr Lee-Anne Smith to the following Reference Groups:

1. Neighbourhood Watch Reference Group.
2. Cockburn Bushfire Advisory Reference Group
3. Community Safety & Crime Prevention Reference Group; and
4. Cockburn Sister Cities Reference Group

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr C Terblanche that the recommendation be adopted.

CARRIED 10/0

Background

At the Special Meeting of Council conducted on 27 October 2015, Council appointed membership to the various Reference Groups operated by the City of Cockburn (eleven in number). Clr Smith was an apology at the Meeting.

Submission

N/A



Report

By e-mail received on 5 November 2015, Cllr Smith has nominated for appointment to four of these groups, as identified in the recommendation.

Strategic Plan/Policy Implications

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- Safe communities and to improve the community's sense of safety.
- Conservation of our heritage and areas of cultural significance

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.



14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 **(MINUTE NO 5687)** (OCM 10/12/2015) - SALE OF LOT 23 RUSSELL ROAD, HAMMOND PARK (5517621) (LEE GATT) (ATTACH)

RECOMMENDATION

That Council subject to the completion of all statutory requirements required under Section 3.58 of the *Local Government Act 1995*;

- (1) accept the offer from Golden Gateway Development Pty Ltd for the purchase of Lot 23 Russell Road, Hammond Park (Lot 23) for a consideration of \$1,300,000 under the margin scheme; and
- (2) amend the 2015/16 adopted municipal budget by adding capital income of \$1,300,000 under the margin scheme from the sale proceeds into the Land Development and Investment Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr P Eva that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Lot 23 was purchased by the City in 1998 as part of the severed portion of land that remained from the land purchased for the creation of Russell Road.

The lot is zoned for residential development, to form part of the surrounding Hammond Park neighbourhood. Consistent with the City's adopted Land Management Strategy; the opportunity arose in which to consider the sale of the land. The City has received an acceptable offer and it is recommended the City proceed with the sale for the amount proposed.

Submission

N/A



Report

Lot 23 is a triangular shaped block with its largest frontage on Russell Road. The lot is located within walking distance (estimated 220 metres) to the Park Hive shopping centre in Hammond Park and approximately 600 metres to the future Aubin Grove Train Station.

The land has remained undeveloped since purchase in 1998 but was earmarked in the City's Land Management Strategy for potential sale.

The shape of the block and undeveloped state was not conducive to achieving a sale at a reasonable market price so the City looked at options to improve the property. The City engaged an Architect in 2014 to plan a suitable development for the site. A 28 unit two storey apartment development was designed and subsequently submitted and planning approval received in November 2014.

As Lot 23 was retaining a considerable amount of water, the City undertook to clear, fill and compact it ready for development. The works were finalised in May 2015 which created a level lot ready for the construction of the approved apartment development.

A recent valuation for lot 23 details its value at \$1,355,000 (inc GST) which equates to \$1,231,818.18 (ex GST). The offer from Golden Gateway Development Pty Ltd is for \$1,300,000 on the Margin Scheme therefore it is recommended that Council accept the offer subject to there being no comments from the advertising in accordance with Section 3.58 *Local Government Act 1995*.

It is worth noting that investigations took place regarding the prospect of the City of Cockburn constructing a residential apartment complex on the land. In the current property market, there are a number of additional risks associated with construction, versus a land sale scenario as recommended by this option. Risks include:

- Residential apartment prices struggling, with questions about the amount of supply available on the market and that further falls in the property market may have a greater impact on apartment product;
- The residential construction market still being strong, meaning that savings associated with the mining investment down turn are struggling to flow through fully to this sector;
- Degree to which pre-sales could be secured;
- Degree to which completed development could be sold.

So while a built form product could yield a greater return, building an appropriate risk factor would recognise that such returns carry significantly more risk compared to the sale of land recommended in this item.



The plan for this block was for the City to develop the land by way of constructing 28 units. To this end the City engaged an architect to design a unit strata complex for which the City could obtain planning approval. A financial plan was drafted based on a 28 unit development. After consulting local real estate agents, it was believed the City could make a profit on such a development. In the last twelve months, the market for such units has softened which could make the development a higher risk proposal. Although a profit could still be made, it was believed the risk/reward ratio had deteriorated sufficiently to not proceed with bringing such a concept to Council for its consideration. The development margin has fallen from 26% to 10%, which is considered too low for the risk involved. At the same time, the City received an unsolicited offer another developer which was perceived as being reasonable and without risk.

Strategic Plan/Policy Implications

Leading & Listening

- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

Amend the 2015/16 adopted municipal budget by adding capital income of \$1,300,000 under the margin scheme from the sale proceeds into the Land Development and Investment Fund Reserve.

Legal Implications

Provisions of Section 3.58 of the Local Government Act 1995 apply.

Community Consultation

As required by Section 3.58 of the *Local Government Act 1995* details of the proposed disposal are required to be advertised in the newspaper for State-wide publication, for a period of two weeks. As the offer was received on 23 November 2015, the advertising will commence on 25 November 2015.

Attachment(s)

Map of area.



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the Ordinary Council Meeting, 10 December 2015.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.2 (MINUTE NO 5688) (OCM 10/12/2015) - SALE OF LAND - PORTION OF LOT 9003 (PROPOSED LOT 803) DURNIN AVENUE, YANGETUP (6015949) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) accepts the offer from RPD1 Pty Ltd to purchase portion of Lot 9003 (Proposed Lot 803) Durnin Avenue, Yangebup for a consideration of \$1,740,000 (GST Included) subject to there being no objection arising from statutory advertising as required by Section 3.58 of the *Local Government Act 1995*; and
- (2) amend the 2015/16 adopted municipal budget by adding capital income of \$1,740,000 from the sale proceeds against a new CW project – Sale of Proposed Lot 803 Durnin Avenue, Yangebup and transferring these into the Land Development and Investment Fund Reserve.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr K Allen that Council defers the sale of Lot 9003 Durnin Avenue, Yangebup.

MOTION LOST 2/8

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/1



Background

Proposed Lot 803 is a portion of Lot 9003 Beeliar Drive, Beeliar. Lot 9003 is a freehold lot created as a balance lot following the sale of Lots 801 and 802 Ivankovich Avenue, Beeliar to the Coles Group in 2013. Lot 9003 as a balance title consists of three discrete parcels of land.

The proposed Lot 803 is 3317 square metres. The land is situated on the northwest corner of the intersection of Beeliar Drive and Durnin Avenue, Beeliar.

Council previously resolved to sell Lot 803 to Yangebup 803 Pty Ltd at its meeting held on 9 April 2015, this sale did not proceed as the purchaser invoked the due diligence clause in the contract to terminate the agreement.

Submission

N/A

Report

The intersection of Beeliar Drive and Durnin Avenue is controlled by a traffic roundabout, with development having been completed on two of the parcels located on the southern side of the intersection. This location will become a landmark entry into the developing town centre. City officers have had a number of inquiries from potential purchasers for the subject land and now RPD1 Pty Ltd has made an offer to purchase the land.

The previous potential purchaser and RPD1 Pty Ltd have raised a concern with the fenced drainage sump which is situated between the roundabout and the subject land. Discussion with the City's Engineering Team revealed that the drainage sump is required to be retained at that location, and that there is no possibility to reshape it into a swale configuration or the like. A second carriageway is to be constructed along Beeliar Drive, and the sump being at the low point will take more stormwater on completion of the second carriageway.

At the conclusion of the second carriage-way construction, it is proposed that the City replace the woven wire sump fence with an aesthetically pleasing wall on the boundary facing the roundabout. This will help manage some of the amenity impacts that are currently associated with the fenced sump.

The offer of \$1,740,000.00 (GST inc) from RPD1 Pty Ltd is equal to the valuation provided by a licensed valuer commissioned by the City. Section 3.58 of the Local Government Act 1995 requires that a Local Authority advertise any proposal to sell land by private treaty. The



advertisement must be in a newspaper with state-wide circulation, giving details of the property and the proposed disposition. The advertisement is to give notice inviting submissions to be made on the proposal and allowing such submissions for a period not less than two weeks from the date of the advertisement.

Notice concerning the proposal has been placed in the West Australian newspaper. The officer recommendation to Council is framed in such a way that it is subject to no objection being received as a result of the public advertising of the Section 3.58 disposition of land notice. If any objections are received within the statutory advertising period, the matter will be brought back to the next Council meeting for determination.

A subdivision application for this proposal and the creation of three additional lots has been made to the Western Australian Planning Commission. Subdivision estimated costs, which will include the provision of all services, have been provided by a consulting Engineer. The costs of the services required by the subdivision are estimated at \$1,000,000, but importantly cover all four lots being the subject of the subdivision. These will significantly value add to the remaining portions of Lot 9003, which will enable highest realisation of this asset.

It is recommended that Council support the disposition of land.

Strategic Plan/Policy Implications

Leading & Listening

- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

Amend the 2015/16 adopted municipal budget by adding capital income of \$1,740,000 from the sale proceeds against a new CW project – Sale Lot 803 Durnin Avenue, Beeliar and transferring these into the Land Development & Investment Fund Reserve.

Legal Implications

Provisions of Section 3.58 of the *Local Government Act 1995* apply.



Community Consultation

As required by Section 3.58 of the *Local Government Act 1995*. Details of the proposed disposal have been advertised in the newspaper for State-wide publication, for a period of two weeks commencing on 25 November 2015.

No objections to the sale were received by the closing date of the advertising being 9 December 2015.

Attachment(s)

1. Location Plan
2. Valuation

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 December 2015 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.3 (MINUTE NO 5689) (OCM 10/12/2015) - ACQUISITION PORTION OF LOT 5, 88 AND 89 JANDAKOT ROAD, JANDAKOT FOR ROAD - WORKS ASSOCIATED WITH THE DUPLICATION OF BERRIGAN DRIVE - KWINANA FREEWAY TO JANDAKOT ROAD - APPLICANT: CITY OF COCKBURN (5513633, 6005742, 6005743) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) acquire 740 sq. m. of Lot 5 Jandakot Road for a purchase price of \$37,000;
- (2) acquire 350 sq. m. of Lot 89 Jandakot Road for a purchase price of \$32,500;
- (3) acquire 1,771 sq. m. of Lot 88 Jandakot Road for a purchase price of \$149,384;
- (4) meet all costs associated with the surveying and application for new certificates of title for 1, 2 and 3 above; and
- (5) seek the dedication of the acquired portions of Lots 5, 88 and 89 as road reserve.



COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr C Terblanche that the recommendation be adopted.

CARRIED 10/0

Background

Funds have been placed on the 2015/16 Budget to duplicate the carriageway of Berrigan Drive between the Kwinana Freeway and the Jandakot Road roundabout. The engineering design has resulted in the requirement for road widening on the southern side of Jandakot Road east of the roundabout.

Submission

N/A

Report

Valuation reports have been prepared by Licensed Valuer Kirsty Norquay from Valuations WA on behalf of the City and from Licensed Valuer Max Nevermann National Property Valuers on behalf of the owners of Lot 88 and 89 Jandakot Road.

A land requirement plan was prepared and forwarded to the Licensed Valuer Kirsty Norquay engaged by the City of Cockburn. The value of the land required for road widening from Lots 5 was determined to be \$37,000, Lot 88 to be at the square metre rate of \$60 and Lot 89 at the square meter rate of \$60.

Letters sent to the three owners included the valuation report prepared for the City of Cockburn by Valuations WA and also an offer to meet the costs for the owners to get their own valuation. This offer to meet the costs of an alternative valuation was conditional on the report being prepared by a licensed valuer and that the report could be used in any subsequent negotiation.

The owners of Lot 88 and 89 engaged National Property Valuers who have determined that Lot 89 has a value of \$92.9 per square metre and Lot 88 has a value of \$84.4 per square metre.

After the valuation reports from National Property Valuer's were received the City's Engineers have determined that an additional area



of 1363 square metres of Lot 88 will be required to house a drainage basin. The alternative to the drainage basin within Lot 88 would be an underground system located at the north-west corner of the roundabout. Below ground drainage systems are typically expensive to construct and maintain into the future.

The owner of Lot 88 has confirmed that he will accept a purchase price at the same square rate determined by his valuer for the enlarged portion of land now required.

The resolution of the land acquisition needs to be finalised before the award of the road construction tender. The tender is anticipated to be awarded in January 2016.

The acquisitions as recommended are supported by Licensed Valuer reports and should be agreed to enable the road construction to commence in early 2016.

The process to be followed if Council resolves to follow the recommendation is that contracts will be drawn up with the three owners that allow subdivision applications to be lodged with the Western Australian Planning Commission, together with access to the land in time for the road construction.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by using land efficiently, protecting the natural environment and conserving biodiversity.

Leading & Listening

- Manage our financial and infrastructure assets to provide a sustainable future.

Moving Around

- An integrated transport system which balances environmental impacts and community needs.

Budget/Financial Implications

Funds have been allocated in the 2015/16 Budget.
WC 00146 is the account reference.

Legal Implications

Land Administration Act 1997.



Community Consultation

N/A

Attachment(s)

Plan of the proposed road widening.

Advice to Proponent(s)/Submissioners

The three affected land owners have verbally accepted the purchase prices.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.4 (MINUTE NO 5690) (OCM 10/12/2015) - PROPOSED BAR & BRASSERIE (TAVERN) WITH ANCILLARY DRIVE-THROUGH LIQUOR STORE - LOCATION: PART LOT 9003 YANGEBUP ROAD (CNR DURNIN AVENUE & BEELIAR DRIVE), BEELIAR - OWNER: CITY OF COCKBURN - APPLICANT: BEELIAR ONE PTY LTD. (6015949) (D BOTHWELL) (ATTACH)

RECOMMENDATION

That Council

- (1) grant planning approval for the proposed bar and brasserie with ancillary drive-through liquor store, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. The submission of final material, colour and finish schedule for assessment and approval by the City prior to issue of a Building Permit.
2. Prior to the issue of a Building Permit, the submission of an amended design and associated material, colour and finish details for the southern (Beeliar Drive) elevation to the satisfaction of the City.
3. Car parking bays and access driveways shall be designed, constructed and maintained to comply with AS2890.1 to the satisfaction of the City. Details of the car parking bays and access driveways shall be submitted to the City for assessment and approval prior to the issue of



- a Building Permit.
4. The provision of on-site motorcycle parking on-site, the details in respect of which are to be provided for assessment and approval by the City prior to the issue of a Building Permit.
 5. Prior to the issue of a Building Permit, the submission of amended plans showing a minimum of 8 bicycle parking spaces shall be provided to the satisfaction of the City. All bicycle parking is to comply with Australian Standard 2890.3.
 6. A detailed landscaping plan shall be submitted to and approved by the City, prior to the issue of a Building Permit and shall include the following:-
 - (a) the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (b) any lawns to be established;
 - (c) any existing landscape areas to be retained;
 - (d) those areas to be reticulated or irrigated; and
 - (e) verge treatments.
 7. The landscaping shall be implemented during the first available planting season post completion of development. Any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
 8. Prior to the issue of a Building Permit, details are to be submitted to and approved by the City showing the provision of a shared path around the perimeter of the site. The shared path shall be constructed to the satisfaction of the City. All paths extending around the perimeter of the site shall be a minimum of 2.0 metres wide.
 9. Prior to the issue of a Building Permit, a category one flora and fauna survey and subsequent fauna relocation management plan for the subject property is to be submitted to the satisfaction of the City.
 10. All outdoor lighting must be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
 11. The development site must be connected to the reticulated

- sewerage system of the Water Corporation before commencement of any use.
12. All earthworks, cleared land and batters must be stabilised to prevent sand or dust blowing to the satisfaction of the City.
 13. A further Acoustic Report shall be submitted to and approved by the City, prior to the lodgement of a Building Permit, and implemented thereafter, to the satisfaction of the City.
 14. Written confirmation from the builder that all recommendations made in the Acoustic Report prepared by Herring Storer Acoustics and the further Acoustic Report required under condition 13 have been incorporated into the proposed development, shall be submitted to and approved by the City prior to the lodgement of the Building Permit Application.
 15. The builder is to provide written confirmation that the requirements of the Acoustic Report referred to in condition 13 have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
 16. No wash-down of plant, vehicles or equipment is permitted on the premises. Industrial, commercial or wash-down wastes must not enter stormwater disposal systems or otherwise be discharged to the environment.
 17. The bin enclosure must be of an adequate size to contain all waste bins and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.
 18. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened from view from adjacent streets and/or the public domain.
 19. The submission of a Construction Management Plan for the development for assessment and approval by the City prior to the issue of a Building Permit detailing how it is proposed to manage:
 - (a) access to and from the site;
 - (b) the delivery of materials and equipment to the site;
 - (c) the storage of materials and equipment on the site;



- (d) the parking arrangements for contractors and subcontractors;
 - (e) other matters likely to impact on surrounding properties; and
 - (f) management of construction waste.
20. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours shall occur between the hours 7.00pm and 7.00am, Monday to Saturday, and shall not occur at all on Sundays or Public Holidays.
21. The Prior to the issue of a Building Permit, arrangements being made to the satisfaction of the City for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3.
22. Prior to the issue of a Building Permit, the owner/applicant shall:
- (a) submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
 - (b) submit to the City for approval an 'Application for Art Work Design';
 - (c) enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City; and
 - (d) the art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.
23. The design of the car park and access driveways shall comply with AS2890 to the satisfaction of the City's Engineering Services section. Details to be provided to the City prior to the issue of a Building Permit.
24. Prior to the issue of a Building Permit, amended plans shall be submitted showing the provision of traffic calming devices on the east-west and north-south internal roads within the site to the satisfaction of the City.
25. Prior to the issue of a Building Permit, the Tavern Management Plan being reviewed in detail to ensure the

content of the document is comprehensive and complete for the purpose of addressing all aspects of the Tavern use capable of being managed to the satisfaction of the City.

26. Prior to the issue of a Building Permit, amended plans shall be submitted showing the provision of dedicated Taxi bay(s) in a location within close proximity to the entry of the Tavern.

Department of Planning Conditions

27. Vehicular access to Beeliar Drive must be restricted to left-in/left-out only.
28. The existing bus stop is to be relocated only with the written agreement of the Public Transit Authority. The bus stop must not be located within the left deceleration lane of the Beeliar Drive access.
29. Only one shared access point is permitted to Lot 9003 (proposed Lot 804 per WAPC subdivision 151639) to/from Beeliar Drive. Any future development of the subject lot will require reciprocal rights of access and additional access points to Beeliar Drive will not be permitted.
30. The proposed access must be relocated to ensure a minimum 70m deceleration lane length for a 70km/hr road. This will facilitate necessary future upgrades to Beeliar Drive and/or the intersection of Beeliar Drive/Durnin Avenue.
31. A footpath must be constructed on Beeliar Drive. This footpath must connect the existing footpath to Durnin Avenue to the relocated bus stop east of the proposed access.

Advice Notes

1. With regards to condition 2 above, the expectation is for the blank portion of wall to the restaurant on the south elevation to incorporate windows/glazing to create a more interactive façade. The blank wall to the service areas is also expected to have increased levels of articulation through the incorporation of design features or public art.
2. With regard to condition 13 above, the acoustic report



must be prepared by a suitably qualified and recognised acoustic consultant, address the requirements of the Herring Storer Acoustic Report (Ref 19631-2-15245; dated 23 September) and must demonstrate that the design of the development as well as the design and location of plant and other sources of noise within the development (such as air-conditioners, entry gates or buzzers, music and break out noise) will not exceed the assigned noise levels set out in the Environmental Protection (Noise) Regulations 1997 (as amended). The Acoustic Report is to include a Noise Management Plan addressing:

- (a) Predictions of anticipated noise emissions associated with activities plant or equipment (such as bin areas, air-conditioners, refrigeration or pools);
- (b) Predictions of anticipated break out noise levels;
- (c) Sound proofing measures proposed to mitigate noise;
- (d) Control measures to be undertaken (including monitoring procedures); and
- (e) A complaint response procedure.

3. All food businesses must comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant must obtain prior approval for the construction or amendment of the food business premises. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).

The plans are to include details of:

- (a) the structural finishes of all floors, walls and ceilings; the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc);
- (b) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems,

- mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal; and
- (c) These plans are to be separate to those submitted to obtain a Building Permit.
4. This development has been defined as a public building and shall comply with the relevant provisions of the Health Act 1911 (as amended), and the Health (Public Buildings) Regulations 1992. A Building Permit Application must be submitted for approval, prior to works commencing.
 5. The With regards to Condition 22, the art work shall be in accordance with Council's Local Planning Policy LPP5.13 (formerly APD80) Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
 6. The Any signage which is not exempt under Schedule 5 of the City of Cockburn Town Planning Scheme No. 3 must be the subject of a separate development approval.
 7. It is advised that you will be required to obtain a clearing permit from the Department of Environmental Regulation prior to undertaking the clearing of natural vegetation at the subject property.
- Department of Planning Advice Notes
8. In accordance with Part 1: Section 3.2.4 of *Australian Standards for Parking Facilities* (AS2890.1), consideration should be given to the relocation of the parking bay in the northeast corner of the site. A minimum of 2.5m from the property boundary should be clear of obstructions to visibility.
 9. In accordance with Element 2: Recommendation 31 of the WAPC's *Liveable Neighbourhoods* (LN), a footpath may be required along the length of the Yangebup Road frontage to the subject site. Footpaths/shared paths may be required on both sides of a street where pedestrian traffic is high (e.g. local centres).



10. Provision of dedicated taxi parking bay/s.
- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

MOVED Clr L Smith SECONDED Clr L Wetton that the recommendation be adopted subject to an amendment to condition 25 to read as follows:

25. Prior to the issue of a Building Permit, the Tavern Management Plan being reviewed in detail to ensure the content of the document is comprehensive and complete for the purpose of addressing all aspects of the Tavern use capable of being managed to the satisfaction of the City. A community reference group be established to the satisfaction of the City to work with the City and residents.

CARRIED 10/0

Background

The land which is the subject of this application is bound by Yangebup Road to the north, Beeliar Drive to the south, Durnin Avenue to the west and a railway reserve (freight line) to the east. The subject site forms part of Lot 9003, with the other part of the lot located on the other side of Beeliar Drive, immediately to the east of the Beeliar Village Shopping area. The site is currently vacant and contains a small amount of Banksia Woodland and a number of Grass trees. There is a sewer easement running east-west across the site with access required at a man hole close to Durnin Avenue. The site is relatively flat and contains some existing banksia woodland and grass trees. The location of the centre including the Beeliar Village is strategically positioned as the centre point to three residential suburbs in Beeliar, Yangebup and Munster.

At its meeting held on 26 July 2012, the Metro South-West Joint Development Assessment Panel (JDAP) resolved to approve a development application for a Mixed Use Development at Lot 9001 Beeliar Drive, Beeliar which is located directly opposite the site on the southern side of Beeliar Drive. The approved development (now known as the Beeliar Village Centre) comprised of the Coles Supermarket,



retail tenancies, liquor store, fast food outlet (McDonalds), tavern and petrol filling station (Shell). It should be noted that the Tavern element of the proposal did not go ahead, instead a Child Care centre was included in the development which has recently been completed.

The proposal for a Bar & Brasserie (Tavern) and ancillary drive-through liquor store which is the subject of this report, has been the subject of a comprehensive pre-lodgement process. Officers from the City's Statutory and Strategic planning services have met with the developer and architect prior to lodgement where the merits of the proposal, along with a range of opportunities and concerns discussed in length. The proposal is being referred to Council for determination as objections were received during advertising therefore removing staff delegation.

Submission

The application received for the subject land is for the development of a Bar & Brasserie (Tavern) with ancillary drive-through liquor store, specifically comprises the following:

- Tavern with a total floor area of 659m²;
- Lounge Bar area of 168m² (70% or 118m² seated & 30% or 50m² standing);
- Casual Dining and Drinking area of 365m² (80% or 292m² or 20% or 73m²);
- Dedicated Table Service area of 126m² (100% seated)
- 185 dedicated car parking bays & bicycle parking spaces;
- Adjoining drive-through liquor component of 200m²; and
- Proposed vehicular access points off Beeliar Drive, Durnin Avenue & Yangebup Road.

In support of the proposal, the applicant states the following:

"The Bar & Brasserie model proposed is a small but typical family neighbourhood establishment, with a focus on food as the primary generator of trade similar to the Quarie Bar & Brasserie in Hammond Park.

The external areas have been located to have access to northern and western (afternoon) sun whilst also addressing the intersection of Beeliar Drive and Durnin Avenue.

The draft management plan included in this submission goes to great lengths to minimise any potential disturbances to neighbours, including limiting deliveries between the hours of 7.00am and 7.00pm, restricting keg movement and rubbish clearing between 7.00am and 10.00pm and maintenance of a logbook for any complaints regarding noise or any disturbance in the area.



The independent Traffic Impact Statement included in this submission includes recommendations for minor modifications to kerb radii, aisle widths and road markings, as well as reinforcement of standard parking bay widths and entry/exit conditions to both sites as indeed proposed and complaint in the submission. The modifications, as indicated on KCTT's overlays and achievable and as such, all initiatives recommended in both, the Traffic Impact Statement as well as the Acoustic Report will be implemented, including sound attenuation and noise management measures.

The proposed Bar & Brasserie development allows for 185 parking bays on site. Under the City of Cockburn Town Planning Scheme a total 185 bays should be made available.

Under the City of Cockburn Town Planning Scheme a total of 8 bike racks should be made available. 8 bicycle rack spaces will be provided as part of the development.

KCTT have provided a Transport Impact Statement for the proposed development of a portion of Lot 9001 Beeliar Avenue, Beeliar.

The purpose of this document is to provide commentary and analysis on the parking requirements and potential traffic and transport impacts that the proposed development of this site may have on the surrounding road and transportation networks.

The proposed Bar & Brasserie development includes high quality architectural design features which incorporate colours and materials which reflect the subject site's coastal location.

Internally, the development will be configured to provide a cohesive, architecturally refined environment. Functionally, the areas will consist of 2 bars, and a restaurant dining area.

The external alfresco areas have been designed to create a lush urban oasis, with mature plantings and architectural elements providing shade and softening the hard landscape and courtyard walls. Decking and purposefully designed seating and furniture will create an atmosphere and ambience that makes the development a welcoming and relaxing place to enjoy a meal &/or a drink.

The activation of the adjacent streetscapes will improve the amenity of the area, making it safer and more appealing for those who use or pass by the site.

The development will incorporate taxi bays, providing a place for patrons to safely and quietly leave the premises. The taxi bays are



located within the carpark so as to minimise potential noise and disturbances to surrounding residences.

The service yard will be screened and the lighting to the service area will be augmented.”

Report

The following comments deal with the compliance of the proposal in relation to the planning controls that apply to the subject land and location. The majority of planning considerations applicable in the assessment of the proposal are contained within the City's TPS.

Town Planning Scheme No.3 Considerations

Zoning and Use

The land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Development' under the City of Cockburn's Town Planning Scheme No. 3 (TPS 3). A development zone under TPS 3 provides for development in accordance with a structure plan prepared and adopted under the Scheme. In December 2004, the City adopted a Local Structure Plan (LSP) for the location referred to as 'Cell 6, Yangebup'. This was subsequently endorsed by the Western Australian Planning Commission (WAPC) in March 2005 and in February 2011 was subject to modification which was approved by the City under delegated authority.

Under the LSP, the land is identified as a 'Local Centre' zone. For assessment purposes, the use classifications and provisions applicable to development within a Local Centre zone have been used. The proposed predominant use of a Tavern is an 'A' use which means that it is not permitted unless the Council has exercised its discretion and granted approval following consultation. The ancillary use of liquor store is an 'Unlisted Use' which also requires advertising prior to determination. The use of the site for tavern and drive-through liquor store purposes can therefore be considered for approval by Council.

Layout and Design

The design of the proposed building is considered to be acceptable and the building addresses the corner of Durnin Avenue and Beelias Drive in a sufficient manner. In the proposed location, the building will define the corner, signifying one of the main entrances to the local centre. This is achieved through the prominent Beelias Tavern signage located on the corner as well as a number of contrasting building materials such as vertical profiled metal deck cladding. It is considered that the proposed Tavern will assist in activating the important corner of



Durnin Avenue and Beeliar Drive through the 'Alfresco 1' area shown on the ground floor plan located adjacent to the street environment.

In relation to the south (Beeliar Drive) elevation, it is considered that there is an opportunity for increased engagement and articulation to Beeliar Drive. On the south elevation plan, it is apparent that there are two (2) portions of blank masonry wall. The first portion is to the Restaurant which could be better activated through the insertion of windows/glazing. This would assist in creating an interactive and engaging façade with diners in the restaurant able to view the Beeliar Drive frontage and vice versa.

The second portion of blank wall abutting the Beeliar Drive frontage is to the service areas such as the keg store, store and bins. It is acknowledged that it would not be ideal for these portions of wall be incorporate windows in a similar manner to the restaurant. However, it is still considered that the blank masonry wall could be modified incorporate a number of design features such as a contrasting render finish or public art to create a more interesting and engaging street frontage to Beeliar Drive. It is to be noted that the development will be the subject of a percentage for art contribution which, if approved would be imposed as a condition of approval. Should Council resolve to approve this proposal, a condition should be imposed requiring amended plans to be submitted and approved by the City showing increased articulation and activation to the south elevation.

Pedestrian Connectivity & Amenity

The City was very keen to ensure that a sufficient level of pedestrian connectivity and amenity is provided in the development. One way of achieving this is through the provision of perimeter pedestrian paths providing connectivity around, into and out of the site. Should Council resolve to approve this proposal, a condition should be imposed requiring the provision of a shared path around the perimeter of the site to the satisfaction of the City. Pedestrian cover at the entrances of the proposed Tavern as well as overhanging eaves from the building roof and the provision of mature plantings along the Durnin Avenue and Yangebup Road frontages are considered to contribute to a pedestrian friendly environment in and around the subject development.

Traffic

As mentioned in the *Consultation* section of this report, the DoP is supportive of vehicular access to Beeliar Drive subject to a series of conditions, one of which being for access to be restricted to left-in/left-out only. This is consistent with the recommendations of the Traffic Report and supported by the City.



The City's Transport Engineer has also identified several traffic treatments/modifications that should occur. The location of the ACROD parking bays shown on the site plan is not considered to be desirable. The reason for this is that no crossing facility of the main access aisle has been provided to link those bays to the Tavern entry. It has been suggested by the City's Transport Engineer that these ACROD bays be relocated to the smaller car park on the east side of the building. It has also been noted that the ACROD bays do not appear to comply with the Australian Standards as there is no shared space and bollard adjacent to the subject ACROD bays.

Another traffic treatment recommendation from the City is for the provision of speed humps on the internal access roads within the development. It is considered that the long, uninterrupted access roads running east-west and north-south through the site require speed humps to keep vehicle speeds down and discourage through traffic. The provision of speed humps and compliant ACROD bays are both items which would involve compliance with the relevant Australian Standard – AS2890. As such, should Council resolve to approve the proposal, a condition should be imposed requiring the design of the car park and the access driveways being modified to comply with AS2890. It is to be noted that the City has also imposed a condition for amended plans to be submitted showing the provision of traffic calming devices within the site to the satisfaction of the City.

Car Parking

TPS 3 requires a car parking rate for the use of a Tavern of 1:2m² of net lettable area (NLA) of drinking area. The traffic report undertaken by Uloth & Associates for the Quarie Tavern (Hammond Park) identified that it was not appropriate for the required car parking to be based on the TPS 3 requirement of 1 bay for every 2m² of drinking area. This position was considered to be acceptable by the City at the time given the large amount of area within the Quarie Tavern which was dedicated seated/dining areas. In this case the car parking rate for a restaurant under TPS3 of 1 car bay for every 4 seats was applied in the City's assessment of seating areas within the Quarie Tavern which is a similar development to this proposal. This position is considered logical and reasonable and as such, the seated areas of the proposed Tavern have also been based on the car parking requirement for a 'Restaurant' under the City's TPS 3. A summary of the car parking analysis is found below:

- Seated Area (1 space per 4 persons or 1 space per 4 seats – as per TPS3 for 'Restaurant' or 1 space per 5 m² - as per Quarie Traffic Report) $536\text{m}^2 / 5 = 107.2$ or 108 car bays



- Standing Area (1 space per 2m² as per TPS3 for 'Tavern') 123m² / 2 = 61.5 or 62 car bays
- 'Bottle Shop' (1 space per 12m² as per TPS3 for 'Shop') 200m² / 12 = 16.6 or 17 car bays
- Total Required – 187 car bays
Total Provided – 185 car bays

Consistent with the Quarie Traffic Report, KCTT as part of their TIA for the proposed Beeliar Tavern have assumed that 4 seats will require 5m² of NLA. This is simply based on the average table of 4 occupying 5m². This ratio of 1 car bay for every 5m² of NLA is considered acceptable and a practical way of calculating the car parking rate for the seated areas of the Tavern.

In their TIA, KCTT note that the parking rate for the proposed liquor store component should be reduced by 30% based on the fact that this is a "drive-through" liquor store. Although it is acknowledged that a drive-through liquor store may not demand the same amount of car parking than a conventional walk-in liquor store, it is considered that the TPS 3 car parking ratio of 1:12m² NLA is appropriate and has been applied to the City's parking assessment. Given that the City's parking calculations do not include the 30% reduction for the drive-through liquor store recommended in the TIA, there are some discrepancies between the car parking bay numbers determined by the City and KCTT as part of the TIA. A car parking shortfall of 2 car parking bays is proposed based on the City's calculations.

The applicant has stated in their submission that at peak periods, it is not envisaged that there will be more than 617 patrons. The City's Environmental Health Services have confirmed that based on the limiting factors such as the number of exits and toilets this number would be acceptable subject to final assessment of the plans at the Building Permit stage. The applicant has further stated that given the Taverns model for a bias towards food based trade, the bistro function areas will be predominately used as a bistro/restaurant. However, it is acknowledged that at certain times of year the bistro areas will be used for functions but the applicant has stated that these functions will not be held during peak trading times of Friday and Saturday nights due to demand of general trade. It is noted that functions will be one off events such as Melbourne Cup day which will occur in no-peak periods.

On balance, it is considered that the 185 car bays proposed as part of the Tavern would be sufficient for the proposed use based on the respective floor areas and envisaged patron numbers.



Landscaping

The landscaping concept submitted as part of the application is supported in principle. The City's Landscape Architect has assessed the site plan which shows the provision of trees with the car parking area and supports this on the provision of a detailed landscaping plan showing details of the planting species proposed. The applicant has suggested that there is the possibility for the mature grass trees currently existing on the vacant land to be transplanted in the final landscaping scheme. Should Council resolve to approve the proposal, a condition should be imposed requiring a detailed landscaping plan to be submitted to and approved by the City prior to the issue of a Building Permit.

Other

Public Consultation

A total of 117 submissions were received in response to the advertising of the development application. Of these, 43 objected and 74 were supportive of the proposal. A schedule of submissions received has been provided as an attachment to this report. It should also be noted that a petition objecting to the proposal and signed by 65 persons. It is to be noted that of these 65 persons, 10 lived outside of a 1 kilometre radius of the site and 15 resided outside of the City of Cockburn.

Support for the proposal is based on but not limited to the following:

- Convenience of having a dining venue close by that is not fast food;
- Currently no family friendly pub between Fremantle and Success;
- Activation/Surveillance of the area;
- Venue for locals to get together and socialise;
- Need more social places as lack of facilities given recent growth in the area; and
- The creation of local employment opportunities.

Objection to the proposal is based on but not limited to the following:

- Incompatibility of the use with the residential nature of the locality;
- Concern over increased anti-social behaviour and crime;
- Proximity to other liquor outlets/bars and primary school;
- Concern over noise generated from the use;
- Concern over traffic/car parking related matters; and
- Concern over environmental issues.



Comments in response to submissions received

The development proposed is located on a significant portion of land which has been identified for a 'Local Centre' zone for in excess of 10 years. The LSP applicable for the land identifies a local centre that includes the type of use that is proposed. Bearing this in mind, whilst the concerns raised about the incompatibility with the adjoining residential land, the expectations for the land and the location incorporate commercial development.

It is acknowledged that there is a stigma of anti-social behaviour associated with taverns. Larger taverns are often associated with binge drinking and gambling at TAB outlets. However, the model for the proposed tavern relies heavily on food as the primary generator of trade and this is reflected in the plans provided with 536m² of seated area and 123m² of standing area. The applicant has confirmed that there is no TAB proposed as part of the development.

A number of the comments received relate to the management of the use, not the use itself. A Management Plan for the proposed Bar & Brasserie has been submitted as part of this development application. If approved, a condition should be imposed for the Management Plan to be reviewed in detail by the City to ensure the content of the document is comprehensive and complete for the purpose of addressing all aspects of the tavern use capable of being managed. This includes noise management, patron behaviour and operating procedures. The view expressed from the consultation period that the proposed use will increase the crime rate is not supported. In fact, it is considered that the proposed development will activate the area and provide surveillance to the immediate locality deterring this type of undesirable behaviour through outdoor lighting, security cameras/staff and employees/patrons of the tavern.

The notion that the proposed tavern will increase drink-driving activity reflected in the objection comments is a police matter, not planning consideration. However, the proposed Tavern will be within a walkable catchment to many residents living in the surrounding residential areas. The subject site is also located on a high frequency bus route with a bus stop located adjacent to the site and on the opposite side of Beelias Drive outside the Beelias Village centre. It is envisaged that there will be a number of Tavern patrons who will catch the bus to the Tavern on the bus network from the surrounding residential areas. In addition, if Council resolve to approve the proposal, a condition should be imposed for the provision of dedicated taxi bay(s) in a location within close proximity to the entrance of the Tavern. This is considered to facilitate and promote the use of taxis for patrons of the Tavern.



There were a number of objections received relating to the proximity of the Tavern and drive-through liquor store to the South Coogee Primary School located on the southern side of the Beeliar Village shopping complex approximately 200m from the subject site. It is to be noted that the Metro South-West JDAP at their meeting held on 26 July 2012 resolved to approve a mixed-use development which is the Beeliar Village development on the opposite side of Beeliar Drive to the subject property. Included in this proposal was a Tavern which was subsequently replaced for a child care centre. It is considered that the subject lot, which is further from the school, is a much more desirable location as the Beeliar Village Shopping Centre and Beeliar Drive acting as a buffer between the Tavern/drive-through liquor store and the school. It is to be noted that the South Coogee Primary School P & C have submitted a letter of support for the Tavern commenting that it will be a positive addition to the immediate locality.

A number of concerns were also raised in relation to the proposed Tavern being located within close proximity to other liquor outlets and Taverns. It is acknowledged that the drive-through liquor store is close to the existing 'Liquorland' attached to the Coles Development at Beeliar Village. However, the proposed liquor store component is considered to be ancillary to the predominant use of Tavern and the drive-through offering provides a point of difference to the existing 'Liquorland'. Some of the objections noted that there were too many other Taverns/Pubs in the immediate locality, however, this is not supported. It is considered that the western end of Beeliar Drive is relatively void of lifestyle/service type uses given the large catchment of the residential suburbs of Beeliar, Yangebup and Munster. This was reflected in the comments in favour of the proposed development with a many noting that the area is in need of a use of this kind. It is also considered that the food and beverage style use will complement the existing Beeliar Village development which is predominately a retail offering.

There were also a number of objections received which identified noise generated from the proposed use as a point of concern. Similar to controlling patron behaviour, noise is also largely controlled through the management procedures. The management plan submitted addressed the restriction of music times, times in which bins can be emptied etc. As mentioned above, should Council resolve to approve the proposal, a condition should be imposed requiring the Management Plan to be reviewed to the satisfaction of the City.

As part of the development application, an Acoustic Assessment of the proposed Tavern and associated alfresco areas has been provided. The assessment indicates that during the design phase of the project noise level emission at neighbouring locations would be more clearly defined and noise control measures, where and if necessary, would be



addressed at this stage. If approved, a condition should be imposed requiring a further Acoustic Report be submitted prior to the issue of a Building Permit. Furthermore, a written confirmation from the builder is to be provided that all recommendations made in the Acoustic Report have been incorporated into the completed development. In relation to potential noise generated from traffic generated by the proposed Tavern, it is considered that blocking the vehicle entrance point to Yangebup Road and restricting vehicular access to Beeliar Drive and Durnin Avenue will assist in reducing potential vehicle related noise to the residential properties north of Yangebup Road.

The concerns in relation to the increase in traffic and demand for car parking generated from the use have been duly noted. There was some concern expressed over potential negative impacts of traffic associated with the proposed Yangebup Road vehicle access point. It is to be noted that the Director of Engineering is supportive of the proposed vehicular access point from Yangebup Road. It is envisaged that there will be a relatively low volume of traffic utilising the crossover from Yangebup Road with approximately 10% of the traffic entering the site being from the proposed crossover from Yangebup Road. It is considered that the traffic entering the site will be balanced through the proposed three (3) vehicular access points to the site. The proposed vehicle access point proposed from Yangebup Road is also considered to reduce the pressure on the roundabouts at the intersections of Beeliar Drive/Durnin Avenue and Yangebup Road/Durnin Avenue as well as the vehicle access points from Beeliar Drive and Durnin Avenue which are restricted to left-in/left-out.

There was some concern also identified in the advertising period in relation to environmental issues, specifically, potential impact on the existing flora and fauna on-site. It was commented that there was some Banksia Woodland within the natural vegetation on the subject land which could home the Forest Red Tailed Black Cockatoo. The City's Environmental Manager has advised that given the relatively low number of Banksia Trees that exist in the subject land, there would be a very low risk that the Cockatoo's would be impacted.

It was also noted in the submissions that a clearing permit would be required unless exempt. This is supported, and given that the subject site exceeds 1 hectare in size, a clearing permit will be required from the Department of Environmental Regulation (DER) prior to clearing/commencing works on-site. In addition, should Council resolve to approve the proposal, a condition should be imposed requiring a flora and fauna survey to be undertaken and a subsequent fauna relocation management plan to be provided. It is considered that this condition will assist in eliminating any potential impact on the native fauna currently inhabiting the site.



Conclusion

It is considered that the proposed use is compatible with the Local Centre zoning of the land and is generally consistent with the TPS 3 provisions. The Tavern would assist in filling the void which currently exists in terms of lifestyle/entertainment/food and beverage type uses and will complement the existing Beeliar Village development. It is also considered that the development will contribute to the greater sustainability of the local environment through a stronger sense of community and local identity. Given that the design of the building is considered acceptable and the car parking provided is considered to adequate to accommodate the proposed use, it is recommended that the application be approved subject to the extensive range of conditions outlined above that deal with the management of the use, traffic treatments and detailed building design.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- Communities that take pride and aspire to a greater sense of community.

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No.3
Planning & Development Act

Community Consultation

Public Consultation

The application has been the subject of public consultation. The predominant land use proposed of a Tavern is classified as an 'A' use under TPS 3 within a Local Centre zone requiring advertising prior to



determination. The ancillary use of liquor store is an unlisted use which also requires advertising prior to determination.

The proposal was advertised, with approximately 130 letters sent to adjoining and nearby landowners with the development application plans placed at the front counter of the City's Administration building. In addition, the application and accompanying details were listed on the City's website.

It should be noted that an extension to the advertising period was granted at the request of the Yangebup Progress Association (YPA) to give them the opportunity to put the matter to a vote in a community forum. At this meeting held at the Yangebup Family Centre on 10 November, representatives from the developer/applicant as well as the City's Statutory Planning Department attended to answer any questions the community has in relation to the proposed.

The results of the public consultation are covered in greater detail below.

Consultation with other Agencies or Consultants

The application was referred to the WAPC for comment as the site abuts the Beeliar Drive Metropolitan Region Scheme (MRS) road reservation. In a letter to the City dated 4 November 2015, the Department of Planning (DoP) advised that it supports the proposal on regional transport planning grounds. The DoP further advised that they supported access to Beeliar Drive subject to a number of conditions and advice notes, which if Council approves the proposal can be imposed.

Attachment(s)

1. Development Application Plans
2. Schedule of Submissions
3. Front page of Petition

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 December 2015 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.



AT THIS POINT IN TIME 8.19 P.M. MAYOR LOGAN HOWLETT LEFT THE MEETING.

DEPUTY MAYOR C REEVE-FOWKES TOOK ON THE ROLE OF THE PRESIDING MEMBER AND READ THE FOLLOWING DECLARATION OF INTEREST.

DECLARATION OF INTEREST

I wish to advise that I have received the following declaration of interest from Mayor Howlett which is a Financial (Proximity) Interest in Item 14.5 of the Ordinary Council Meeting to be conducted on 10 December 2015, "The Lakes Revitalisation Strategy", pursuant to Section 5.60B (3) of the Local Government Act 1995.

The nature of the interest is that he is the owner of land in the North Lake location, which is within the area subject to the Strategy.

14.5 (MINUTE NO 5691) (OCM 10/12/2015) - THE LAKES REVITALISATION STRATEGY - LOCATION: NORTH LAKE AND PARTS OF BIBRA AND SOUTH LAKE - OWNER: VARIOUS (110/124) (R PLEASANT & L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the draft Lakes Revitalisation Strategy for the purposes of advertising;
- (2) adopt the draft Lakes Background report for the purposes of advertising;
- (3) adopt the proposed residential density plans and note that the density plan is intended for public comment at this stage and not yet adopted for the purposes of a Scheme Amendment pursuant to City of Cockburn Town Planning Scheme No. 3; and
- (4) advertise the Background Report and Strategy for 60 days, including a public forum for North Lake / Bibra Lake and for South Lake.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 9/0



Background

The purpose of this report is to provide an overview of the Lakes Revitalisation Strategy (“Strategy”) and the associated Background Report; and to seek Council’s support to advertise these documents for public comment for a period of 60 days.

Submission

N/A

Report

Overview

Council previously resolved to support the preparation of the Strategy on 12 March 2015. The purpose of the Strategy is to guide the future delivery of residential development within the suburbs of North Lake, Bibra Lake and South Lake. The Strategy seeks to identify opportunities to diversify the housing stock and to identify any required infrastructure to support housing growth.

A key focus is to ensure the Lakes area continues to be a popular, liveable place to reside in and the suburbs continue to protect and promote the local environmental qualities. These suburbs are notably located adjacent to one of the region’s most significant environmental assets, the Beeliar wetlands.

The Western Australian Planning Commission (“WAPC”) in 2015 released the draft Perth and Peel @ 3.5 million suite of strategic land use planning documents which identify the need to accommodate 3.5 million people by 2050. This latest metropolitan plan seeks to guide the future growth of Perth and Peel, building on the soon to be superseded *Directions 2031 and beyond: Metropolitan planning beyond the horizon*.

This forecast demonstrates the need to reduce the negative impacts of urban sprawl through accommodating further residential development through urban infill. This includes identifying further growth opportunities in existing suburbs such as those in the Lakes area.

Contributing to this overarching objective, the City has been undertaking revitalisation strategies since 2009 to identify further housing opportunities while at the same time identifying plans to revitalise suburbs. The Lakes follows on from the following revitalisation strategies: Coolbellup (2014), Hamilton Hill (2012), and the Phoenix Revitalisation Strategy (2009).



The Lakes area is considered a well-connected location and is situated to contribute to the delivery of infill targets. It is also considered a unique location to provide further development opportunities and associated revitalisation work due to the following factors:

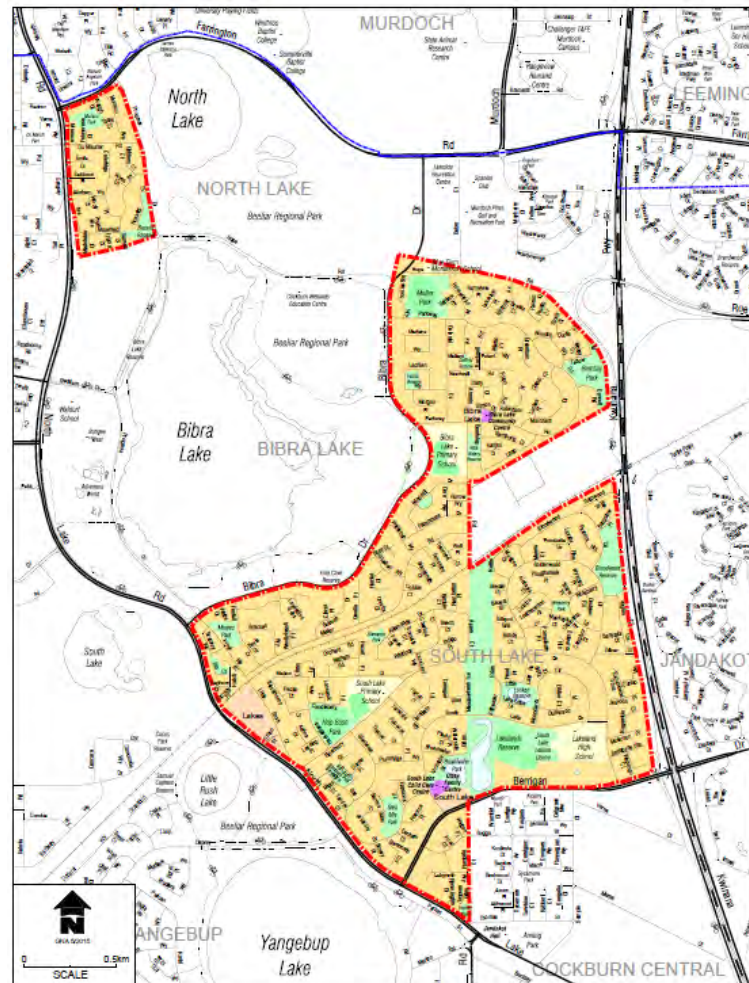
- The Lakes study area is strategically placed within the heart of the rapidly expanding south west corridor.
- Is a well-connected inner ring location in proximity to the new Fiona Stanley Hospital, Murdoch University Precincts and the emerging Cockburn Central Activity Centre.
- Good levels of infrastructure with direct access to the Kwinana Freeway.
- The physical age of built form within the study area being such that decisions for redevelopment and/or renewal are expected to be made by landowners over the coming years, providing the opportunity to consider whether redevelopment to other forms of housing (grouped and multiple) should take place.
- A unique age demographic which sees the opportunity to explore more diverse responses in housing variety and form through the three suburbs.

Study area

At the commencement of the project the City considered the scope of the revitalisation strategy to include the entire suburbs of North Lake, Bibra Lake and South Lake. Residents and landowners in these suburbs were notified of the commencement of the Lakes Strategy by way of a letter. The notification letters invited stakeholders to participate in two community engagement forums and to complete a survey.

As a result of the comments received during this process and in addition to the background research undertaken, it was accepted that the older parts of the suburbs (i.e. developed before the 1990s) should be the focus. While newer developments existed in parts of Bibra Lake (St Pauls / St Andrews estate) and in South Lake, these areas did not require the same levels of revitalisation as those on the eastern side. It was confirmed that the study area should relate to North Lake, Bibra Lake East and South Lake. As identified below.





Document structure

The Strategy is presented in two parts, the Strategy document and a supporting Background Report. The first section of the Strategy provides a discussion detailing why the draft Strategy was prepared, the context in terms of locality and State planning policy objectives. This is followed by a summary of the analysis findings identified within the Background Report.

Section two identifies the draft Strategy recommendations and Section three details the implementation information.

Strategy recommendations

The draft Strategy provides a balance of opportunities for further housing growth while recognising the elements that contribute to the character of the Lakes. The Strategy does this by identifying three guiding principles of which each of the identified actions are drawn from:

- Program 1 – Encourage and support appropriate development and diverse housing options;
- Program 2 – Promote active modes of transportation, public transport and identify and improve the road network within the Lakes area; and
- Program 3 – Improve the Lakes public spaces.

Key recommendations of this Strategy include a residential density up-code to most residential land within the Study Area. The exception being the local commercial centres of which are already appropriately zoned 'local centre'. No change is proposed to some clusters of smaller, recently developed residential lots.

The proposed draft residential up-code maps are provided in attachment 2.

Proposed density changes - North Lake

Generally, North Lake residents expressed a low appetite for density code changes across their suburb. The residents did however support a diversification of building stock in select areas.

In response a base density code of R30 is recommended. The R30 proposed base code will maintain the existing local character of North Lake while allowing flexibility for increased development opportunities for land owners. The proposal will provide opportunity to allow most lots to provide two dwellings, should owners seek to develop their properties.

The only further draft scheme map change, for North Lake, is for land adjacent to Public Open Space (POS) and in proximity to North Lake Road. In these locations it is proposed to be up-coded to a density of R40. A range of lot sizes exist in this area (mostly between 700 – 850m²). This would allow most single residential lots to be redeveloped into three single or grouped dwellings. Lots in this size range could be redeveloped into 6-8 multiple dwellings, should owners seek to develop their properties. This would allow for some diversity in the suburb while still recognising the desire to retain the current suburban character of North Lake.

It is important to note that the density up-coding map is not statutory in nature. Council adoption of this map, for public comment, does not result in a statutory change to density, for the purposes of implementing the City's Town Planning Scheme No. 3 ("Scheme"). For a change in density codes to the Scheme, a formal Scheme amendment (separate process) is required at a later date.



Proposed density changes - Bibra Lake

Consistent with the proposal for North Lake, the proposed base code for Bibra Lake is drafted at R30. While Bibra Lake residents expressed a low-medium desire for change, there was some support for some limited higher density codes, as follows:

Land adjacent to POS, in proximity to Parkway Drive, Bibra Drive and within the 800m walkable catchment of the Bibra Lake Local Centre is proposed to be up-coded to a density of R40.

Land fronting the Bibra Lake Local centre is proposed to be up-coded to a density of R60. The intent of this up-coding is to create greater diversity of development and activity around the local centre.

It is also considered the walkable catchment of the shops is appropriate for the provision of increased densities given proximity to services including direct access to high frequency buses.

Lots between the Bibra Lake Local Centre and Parkway Drive are proposed to be mixed-use. The Mixed-use zone proposed over these lots is informed by the following considerations:

- Immediate proximity to the Bibra Lake Local Centre; and
- The Mixed-Use zone allows for residential uses to transition over time if required to alternative uses, supporting the growth of the Local Centre into the future.

Proposed density changes - South Lake

The Community feedback from South Lake is quite different to that of North Lake and Bibra Lake. A base code of R40 is proposed for South Lake. This is higher than the proposed base code of Bibra and North Lake, recognising different opportunities for revitalisation including a different building stock in this area. The community in South Lake expressed the greatest desire for increases to residential density of the three suburbs within the study area.

Land adjacent to POS, in proximity to Elderberry Drive, Berrigan Drive and within the 800m walkable catchment of the Lakes Neighbourhood Centre is proposed to be up-coded to a density of R60. This would allow most single residential lots (lots which predominantly range from 700m² to 800m²) to be redeveloped into three to five single or grouped dwellings. Lots in this size range could be redeveloped into 6-8 multiple dwellings, should landowners seek to develop their properties in this way.



Lots fronting Little Rush Close and the Lakes Neighbourhood Centre are proposed to be up-coded to a density of R80. The R80 code proposed over these lots is informed by the following considerations:

- Immediate proximity to the Lakes Neighbourhood Centre;
- An R80 coding is consistent with densities proposed on the neighbourhood centre site; and
- Little Rush Close (adjacent to the Neighbourhood Centre) is proposed to be modified to accommodate a dedicated separate formal bike path. On street parking and/ or street trees are recommended to be provided to narrow the street width which will reduce motor vehicle speeds and provide a safer environment for cyclists and pedestrians. A more pedestrian and cyclist friendly environment is better suited to a higher density. This will encourage a greater number of current and future residents to benefit from active modes of travel, in close walking and cycling distance, to and from the Lakes Neighbourhood Centre.

Lots fronting Berrigan Drive Local Centre are proposed to be Mixed-Use with a residential density code of R80. The Mixed-Use zone proposed over these lots is informed by the following considerations:

- Immediate proximity to the Berrigan Drive Local Centre where a higher density can result in a greater number of people residing in walking distance to a Local Centre; and
- The Mixed-Use zone allows for residential uses to transition over time to alternative uses, supporting the growth of the Local Centre into the future.

Movement and connectivity initiatives

A clear opportunity exists to further improve the connection between the Lakes suburbs with the natural asset of Bibra Lake, key public spaces and public transport nodes. All are vital in promoting a sense of place for residents and encouraging active modes of transport including walking, cycling and public transport.

In particular a greater connection to the emerging activity centre of Cockburn Central will provide greater access to essential services including medical services, the emerging Regional Recreation Facility, the Success Library, Gateways Shopping Centre and Cockburn Central Train Station.

Aligning with this objective is the power line easement cutting through residential land in a North - South direction through the middle of the Lakes area, down through and past Cockburn Central to the South.

The below figure illustrates how this stretch of land has the potential to connect several residential neighbourhoods and recreation facilities



with the Lakes Area. Importantly the benefits of this project correlate with the objectives of the draft Cockburn Central Activity Centre Structure Plan which seeks also to provide better connections between the suburbs surrounding Cockburn Central.

Portions of this easement have already been revitalised and now present as active and passive public spaces including large areas of grassland, landscaping and water areas. The draft Strategy recommends the remaining portions of the easement are upgraded in a similar manner.



A range of transport related actions have resulted from a thorough transport assessment within the Background report. The Lakes residents have expressed a desire for accessibility in and out of the suburbs to be improved and vitally for new development not to negatively impact on traffic levels. These actions are closely linked with the City of Cockburn *Integrated Transport Plan Strategy Report*.

A month-long community engagement period during August 2013 was held in the course of the City of Cockburn's 'Integrated Transport Plan'. The community input was solicited using an online e-engagement tool called 'Collaborative Map'.



Users were able to add an unlimited number of comments to the map by category and were able to 'agree' or 'disagree' with comments posted by others on the map. Over the month-long engagement a total of 612 unique comments were posted. There were 938 visits to the website and 2,360 votes were made on the comments.

Public Transport was a key focus of the community during the collaborative mapping exercise.

The collaborative mapping exercise as produced by the ITP in 2014 included a brief questionnaire on current travel patterns and reasons for using a chosen travel mode. The two key lessons learnt are outlined below:

1. *Car use is high because motorists do not have public transport as an available alternative.* This is either a perception requiring more information on available public transport options to be made available or that there are limited public transport options available and the existing options require improvement.
2. Convenience is a strong reason why some people chose non-car travel modes.

As a result four overarching recommendations are identified within the draft Strategy as follows:

1. Action 2.2 Work with the Public Transport Authority to undertake a review of bus services and infrastructure.
2. Action 2.3 Undertake initiatives to promote cycling and walking in and around the Lakes area.
3. Action 2.4 Undertake road improvements to improve safety and ease congestion.
4. Action 2.5 Promote safe Public Access Ways.

Public Transport

The Lakes Study area has a higher dependency of car usage than people using public transport to get to work each day. In comparison to the City of Cockburn average, the Lakes Study area has a higher proportion of people who drive to work, as a passenger or as a driver, and a lower proportion of people that use public transport to work.

The proportions of people who walk to work in the Lakes Study area are relatively consistent with that of the City of Cockburn as a whole.



The issues raised as a result of the survey which relate to the Lakes Study area can be summarised as follows;

1. Bibra Lake: lack of public transport services to this employment node.
2. General Comment: 'long travel times' and limited service coverage at evenings and on the weekends.
3. General Comment: Cycle lanes terminating short of intersections
4. General Comment: Lack of maintenance on existing pathways.
5. North Lake Road: desire for continuous paths on the busy arterial road.

The Lakes study area is well connected to public transport with the area being serviced by five bus routes of which three services provide access to the Murdoch Station, Cockburn Central Station or the Fremantle Station.

The local bus services provide public transport to two train stations, which intern provide residents with access to the wider metropolitan area. The Background report reflects that there is possibly the need for a behavioural change towards public transport, and the need to improve the infrastructure and services, to better suit local residents.

Cycling and walking

The State target is to double the number of cycling trips in WA within five years. The objectives of the WA Bike Network Plan take a whole-of-government approach to cycling, which includes:

1. Build evidence and demonstrate the benefits of cycling for the community;
2. Encourage cycling to build active and healthy communities;
3. Provide a high-quality, interconnected bicycle network;
4. Improve the level of safety for people cycling; and
5. Build and enhance relationships with advocacy groups and stakeholders.

The above five objectives form an integral part of the 'Recommendations for Bike & Pedestrian Planning', as detailed within the Background report and listed within the Strategy report. The underlying principle to be mindful of with regards to active modes of travel has been summarised in a message within the document 'Moving Australia 2030' which is;

"Across the developed world, there are a number of constant factors in travel behaviour, which have not changed noticeably in decades. Among these are that most car journeys are short enough to be walked or cycled (Moving Australia 2030)."



Road improvements

Current traffic conditions in the City of Cockburn involve pronounced peak traffic conditions during weekday commuter peaks and in the lead up to long weekends due to people travelling south along Kwinana Freeway. North-south heavy vehicle flow between western industrial areas such as Henderson and Fremantle, and east-west between the Kwinana Freeway and Fremantle, also affect the overall congestion within the transport network in the City of Cockburn.

The City of Cockburn's Integrated Transport Plan Strategy Report revealed the City of Cockburn community's concerns in relation to road safety. The concerns raised by the community were received from the entire municipality area which includes the Lakes Study area.

The Community has expressed concerns that there are road safety issues within the Study Area. These are identified and addressed within the Background report in detail. The concerns relate to;

- Speeding on residential streets.
- Lack of pedestrian footpaths and pedestrian crossings.
- Issues around schools, such as vehicles parking on footpaths, motorists exceeding 40km/h in school zones and a need for more dedicated off-street parking.
- Localised issues where roundabouts, stop signs, turning pockets or signals are recommended.
- Poor road geometry, such as blind corners and motorists speeding around curves.
- Long delays to access busy roads such as Beeliar Drive, from side streets.
- Maintenance issues relating to road surfaces and obstruction of sight distances by roadside vegetation.
- "Hooning" behaviour in residential streets.

The Background report identifies, in detail, the road safety comments raised by the Lakes community in 2014 overlaid over the actual crash data (sourced from Main Roads Western Australia) for the period 2008 to 2012 specific to the Lakes Study area.

The analysis identifies a clear correlation between community views on locations where road safety is an issue and actual crash occurrences. This is not surprising given that congestion can lead to safety issues mainly stemming from driver impatience and frustration. Examples include travelling too close to the vehicle in front (i.e. tailgating), speeding through signalised intersections, running amber/ red signals, picking insufficient gaps to enter the major traffic stream from side streets/ driveways and traffic queues blocking intersections.



The Background report and the Strategy document seek to explore and provide a number of recommendations which address a variety of road improvement options.

Public spaces

Further recommendations are provided regarding the upgrade of existing parks as identified in the Strategy document. The identified upgrades have been directly informed by the City of Cockburn's Parks and Environment Teams key Strategy documents including the City of Cockburn Public Open Space Strategy 2014-2024.

Further to these recommendations, a clear desire by residents is a key public space and gathering area on the eastern side of the lake. Also desired was an enclosed area for dogs and a cafe. While the City has very little influence on the provision of a cafe, other than allowing for the appropriate zone to allow a cafe business to operate, it can provide the area and facilities for a food van to pull up in the area.

As a result the draft Strategy illustrates a concept plan for such a space to accommodate these functions. However it is noted that this area falls within the Bibra Lake Management Plan area and therefore there is a requirement for the plan to be amended before these works can be undertaken.

Further concept plans are illustrated to guide public realm upgrades to the three local centres within the draft Strategy document.

Noise and Vibration considerations

Excessive noise has the potential to affect the health and amenity of a community as a whole, as well as the wellbeing of an individual. Sleep, relaxation and conversation can all be adversely affected by high levels of noise. There is also documented evidence that long-term exposure to high levels of noise may cause serious health, learning and developmental problems.

The Western Australian Planning Commission's *State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning* ('SPP 5.4') and the associated *'Implementation Guidelines'* aim to promote a system in which sustainable land use and transport are mutually compatible.

SPP 5.4 seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost of transport infrastructure. SPP 5.4 aims to provide a standardised and consistent triple bottom



line framework for the consideration and management of the impacts of transport noise and freight operations.

North Lake Road, Farrington Road, Kwinana Freeway and the freight railway line are considered to be 'major transport corridors' within the Lakes Revitalisation Strategy area. These major transport corridors are located in the vicinity of existing residential development and potential future residential development sites. It is possible that as North Lake, Bibra Lake and South Lake evolve as suburbs over time these transport routes will be flanked by higher density housing.

The SPP 5.4 guidelines give detailed information on methods for measuring and predicting transport noise levels for the purpose of undertaking noise assessments.

For new residential noise-sensitive developments, SPP 5.4 specifies noise assessments should generally be conducted as early as is practicable in the planning process. On this basis the City of Cockburn project team engaged the services of an Acoustic Consultancy to assess the Lakes study area to help formulate vehicle noise and vibration analysis. This analysis has partially informed the draft proposed density plan. The full report and its findings, following its future finalisation, are proposed to be made publically available to assist landowners in making informed development decisions for the future. This information is not intended and in no way precludes residential development. The findings are purely for community and landowner consideration at the onset of any new development consideration.

The findings within the draft Lakes Revitalisation Strategy Acoustic Analysis Report can be considered, in some respect, as a platform for further discussion with regard to noise and vibration sensitive design principles. Further discussions can be organised at the request of a landowner with either the City's Environmental Health Officers - 'Acoustic Specialists' or the City's planning departments. The City's project team will work towards preparing *The Lakes Acoustic Guidelines* in the future which will aim to provide further clarification and direction with regard to the acoustic report's 'summary of findings'.

SPP 5.4 currently specifies that in areas where the outdoor noise limit is likely to be exceeded a detailed noise assessment in accordance with the guidelines should be undertaken by the developer or landowner. The Lakes Revitalisation Strategy Acoustic Report is not intended to act as or replace any a lot specific noise assessment report for the purposes of SPP 5.4. The Lakes Revitalisation Strategy Acoustic Report, as mentioned above, can assist in initial development decision making. The early decision making regarding noise and vibration can lead to higher levels of amenity for residents.



Landowners with properties in proximity to major corridors should aim to incorporate good noise sensitive design into their proposed new dwellings before they commence the house design process. Early noise and vibration consideration can achieve development outcomes which are more effective, efficient and within budget.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.

Environment & Sustainability

- A community that uses resources in a sustainable manner.

Moving Around

- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

Certain recommendations, such as the scheme amendment process required to implement the recommended residential density changes, will be implemented as part of the City’s normal processes using existing resources and allocations. However there are costs associated with the recommendations relating to park upgrades, streetscape upgrades and transport related initiatives. As a result the recommendations have been costed - noting that the costs are an in-house estimate only. The estimated costs are provided at attachment 5, illustrating:

Recommendations from existing CoC Strategies and plans*:	\$3,725,000
New recommendations identified within this Strategy:	\$1,640,000
Total:	\$5,365,000

*Note the recommendations here relate to actions identified in previously adopted Council Strategies and plans such as – *The Integrated Transport Plan, The CoC Trails Masterplan, CoC POS Strategy 2014-2024.*

The proposed works will need to be funded and planned for within the City’s budgeting framework.



Legal Implications

N/A

Community Consultation

The draft Strategy and Background report will be advertised to all affected stakeholders for 60 days. Notification will be made by letter and details provided on the City's website. An advertisement will also be placed within the local newspaper.

Attachment(s)

1. Existing residential density plans
2. Proposed draft (non-statutory) residential density plans
3. Draft Lakes Revitalisation Strategy
4. Draft Lakes Background Report
5. Recommendation cost sheets

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 December 2015 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

CLR S PORTELLI LEFT THE MEETING, THE TIME BEING 8.22 P.M.

MAYOR HOWLETT RETURNED TO THE MEETING THE TIME BEING 8.23 PM.

DEPUTY MAYOR C REEVE-FOWKES ADVISED MAYOR HOWLETT OF COUNCIL'S DECISION IN HIS ABSENCE.

MAYOR HOWLETT RESUMED THE ROLE OF PRESIDING MEMBER.

CLR S PORTELLI RETURNED TO THE MEETING, THE TIME BEING 8.24 P.M.



14.6 (MINUTE NO 5692) (OCM 10/12/2015) - RETROSPECTIVE CHANGE OF USE - SINGLE HOUSE TO HOLIDAY HOME STANDARD - LOCATION: 3 (LOT 128) PERLINTE VIEW, NORTH COOGEE - OWNER: HENG PROPERTIES HOLDING PTY LTD - APPLICANT: ROWE GROUP (6015354 & DA15/0751) (P ANDRADE) (ATTACH)

RECOMMENDATION

That Council

- (1) refuse to grant planning approval for a Holiday Home (Standard) at 3 (Lot 128) Perlinte View, North Coogee for the following reasons:
 1. Approve of the proposal is likely to adversely impact on amenity of the current and future residents in the locality as per Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.
 2. Approval of the proposal would not constitute orderly and proper Planning as per Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.
 3. Approval of the proposed development would set an undesirable precedent.
- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr L Smith that Council grants retrospective planning approval for the change of use from Single House to Holiday Home (Standard) at Lot 128 (No. 3) Perlinte View, North Coogee for a period of 12 months only subject to the following conditions:

Conditions

1. Guest check-in and check-out times only being permitted during the hours of 10am to 2pm, in order to reduce noise impacts and general disturbance of the surrounding locality;
2. No more than 6 persons (be that guests or visitors of guests) being permitted within the development at any time;



3. No more than two motor vehicle (be that guests or visitors of guests) being permitted to access the development at any time;
4. The Code of Conduct for Guests and Visitors being appropriately converted to a prominent sign which is erected within the development in order to help educate guests and their visitors that they are within a residential area where there is an expectation for quiet enjoyment of the locality. Details of the signage to be submitted to the City, together with its proposed size and location, for approval prior to erection;
5. The provision of external publicly visible signage facing Perlinte View which provides the all hours contact details of both the development manager and the landowner, and clearly advising that they can be contacted should there be noise impacts or excessive occupancy of the development taking place. Details of the signage to be submitted to the City, together with its proposed size and location, for approval prior to erection.

Advice notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency;
2. Development undertaken in a manner not consistent with this planning approval represents an offence which may be prosecutable under the requirements of City of Cockburn Town Planning Scheme No. 3 and Planning and Development Act 2005;
3. An applicant has the right to seek a review of this decision, including associated conditions, via the State Administrative Tribunal within 28 days of being advised of this decision.

MOTION LOST ON CASTING VOTE OF PRESIDING MEMBER 5/5

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr L Wetton that the recommendation be adopted.

CARRIED BY CASTING VOTE OF PRESIDING MEMBER 5/5



Background

The subject site is located in Perlinte View North Coogee and comprises of a two storey terrace style single house. The dwelling has rear garage access from Orsino Boulevard via an easement across adjoining lots. The site is 167m² in area and is located approximately 67m from the foreshore reserve.

In June 2015 the City received complaints alleging that the subject dwelling was being used for short-term accommodation without planning approval. A site inspection was conducted on 9 June 2015 which confirmed the complaint to be valid. As a consequence the landowners of the subject site were made aware of the breach to the City's Town Planning Scheme No. 3 (TPS 3) for using the dwelling for this purpose without first obtaining planning approval. Subsequently, the landowners lodged a planning application for the retrospective change of use from a 'Single House' to a 'Holiday Home (Standard)' (DA15/0452). This application was refused under delegated authority and the owners were given 60 days to cease using the dwelling as a Holiday Home (Standard). After the 60 days lapsed the City received further complaints that the use was still in operation and therefore on 8 October 2015 the City issued a Directions Notice under the *Planning and Development Act 2005* to cease the use immediately.

The City has now received a further development application (the subject of this report) for the retrospective change of use of the dwelling from a Single House to Holiday Home - Standard which includes a Management Plan and Code of Conduct that was not included in the previous development application.

The proposal is being referred to Council for determination in response to a request from an Elected Member.

Submission

The proposal consists of:

- A minimum of 3 night stay for guests;
- All parts of the dwelling being accessible to guests;
- Accommodation for up to 6 guests;
- A maximum of 4 visitors; and
- Car parking for two cars in the double garage.

The use is intended to be managed as per the submitted property Management Plan and Code of Conduct to be signed by guests (attachment 3).



The applicants' justification letter (attachment 4) is summarised as follows:

- The proposed land use is not permissible within any other zone within the Scheme area;
- The proposal is consistent with the provisions of Bulletin 99 as the subject site is located within close proximity to high amenity areas such as Coogee Beach and the Port Coogee Marina;
- Sufficient car parking is provided for guests and visitors; and
- A suitable Property Management Plan and Code of Conduct have been prepared and proposed for the Holiday Home.

Report

Statutory Planning Framework

City of Cockburn Town Planning Scheme No. 3 (TPS 3)

Under TPS 3 and the Port Coogee Local Structure Plan (LSP) which was approved under TPS, the lot is zoned 'Residential R80'. The use is classed as a 'Holiday Home (Standard)' which as per the Land Use Table (Table 1) is an 'A' use in a residential zone. This means the use is not permitted unless the local government has exercised its discretion and granted planning approval after being advertised.

Holiday Home (Standard) is defined as:

"a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit)."

Western Australian Planning Commission (WAPC) Planning Bulletin 99: Holiday Homes – Short-stay use of residential dwellings

The WAPC bulletin is a guideline which recommends the following:

- That initial approvals be granted for one year and renewed on a three to five year basis for certainty and flexibility reasons;
- That non-problematic holiday homes should be considered for longer approvals;
- That holiday homes be on freehold titled lots; and
- Be preferably within an identified tourism orientated area and/or next to areas of high tourism amenity and close proximity to key attractions such as the beach, town centre or rural areas.

With regards to this document and the development, the following points are provided:



- The applicant is seeking to establish the Holiday Home on a permanent basis – not temporary. Given the complaints already generated, temporary approval should not be supported.
- The lot is technically a freehold lot, however, is burdened by a significant right of access easement. The lot shares its access with a minimum of 19 other residential dwellings and is further accessible to the surrounding general public. Given this the lot should be treated more like a grouped dwelling.
- The lot is not defined within a tourism precinct however, within the Port Coogee vicinity.

It should be noted that Council has no Local Planning Policy addressing the development requirements or standards for Holiday Homes however it is recognised that there may be value in pursuing the development of such a policy.

Community Consultation

In accordance with Clause 64 of the *Development (Local Planning Schemes) Regulations 2015*, the previous Development Application which was refused under delegated authority, was advertised to seven (7) neighbouring residents for a period of 14 days. During the advertising period, two (2) objections and one (1) non-objection were received.

A summary of the objections are as follows:

- Dwellings were built for residential use and not holiday rentals;
- It would set precedent in the area and would lower the amenity of their everyday lives;
- Guests arriving late at night and noise generated from this;
- Lack of care from guests about the area and neighbours;
- Vehicles parking incorrectly and dangerously (on verge and easement areas);
- More than 6 people occupying the premises at any one time; and
- Loud noise from parties and guests which would occur more frequently with this use.

The current application was also advertised in accordance with Clause 64 of the *Development (Local Planning Schemes) Regulations 2015* to the same seven (7) adjoining property owners, for a period of 14 days. During the advertising period two (2) objections and (1) general comment has been received.

The objections received are the same as above from the same landowners; however, the following has been added by the objecting landowners:



- Security for near-by landowners as there will be constant random neighbours;
- The management plan is contrary to advertisements;
- Management and their plan has not abated current problems; and
- Appropriateness of the use at the site.

The landowner that made comments (not specifically an objection) had stated that they continue to have no objection to the use however, would like car parking in the garage enforced.

Issues

Management

It is clear that there are prevailing issues with management on-site, given the City was made aware of the use via complaint. There are major concerns that the proposed application including management plan will not resolve the issues which are impacting on the amenity of neighbours. It should be noted that potentially affected neighbouring landowners were previously approached by the operators of the holiday home to discuss the management of the holiday home however this has not abated problems and hence their further reasons for objecting.

It should also be noted that the proposal has conflicting details in the management plan which are inconsistent with the holiday home's advertisements and current practice which causes concern and these include:

- Check-in times – Online states 24/7 check-in instead of 3pm.
- Maximum persons – Online states 7 people maximum in lieu of 6 people detailed in the Management Plan.
- Minimum stay – Online states 2 night minimum in lieu of 3 nights detailed in the Management Plan.

Should Council consider supporting the proposal, the above inconsistencies would need to be addressed.

Appropriateness of Use

Under the Port Coogee LSP, this lot was designated for a residential purpose. A Holiday Home (Standard) under Table 1 of TPS 3 can only be established in a residential area, however, discretion and advertising is to occur. Given the validity of the objectors concerns and history of the use, it does question whether such a use is appropriate in this location.



The City has other short-term accommodation in the vicinity operating including the Coogee Caravan Park and various bed and breakfasts and lodging houses. There is also a hotel site earmarked on the Port Coogee Local Structure Plan to be established within the Port Coogee area.

There is some concern that approval of this retrospective development application could lead to a precedent of holiday homes being established sporadically throughout the area with no strategic basis or coordination which may impact on the amenity of residents in the area.

With regards to this specific proposal, if approved, guests could stay a minimum of 3 nights. This means in a one week period, there could be up to 18 guests entering the premises at any given time. Concerns raised by adjoining landowners relate to the impacts on amenity and enjoyment of the residential area. The operation of a holiday home can result in the dwelling being used at irregular times which may make it difficult for adjoining landowners to distinguish when someone is home or whether someone is meant to be there. This creates a detachment to the locality.

Noise

All residential dwellings are expected to generate some levels of noise. It is anticipated that all households have guests entering and exiting the house at some stage. Vehicle movements to and from dwellings also generate noise. These factors are increasingly heightened for short-term accommodation given the concentrated amount of visitors entering and exiting the site

Vehicle Parking

Several objections related to vehicle parking. It is considered that approval of a Holiday Home in this location, which does not have its own private driveway, may have an impact on adjoining and nearby residents which may be greater than that of a single residential dwelling. This is worsened due to the rear garage arrangement which results in a shared rear access (via an easement) for at least 19 other dwellings similar to a grouped dwelling development with a common property access driveway. As the owners would not be present on site, managing vehicle parking in and around the dwelling may be difficult.

Conclusion

Whilst holiday homes can provide an important accommodation option for tourists and others seeking short term accommodation, it should be provided in a location and form that does not negatively impact the amenity of adjoining and nearby residents who reside permanently in



close proximity. Holiday homes are used differently to single residential dwellings used for permanent housing, specifically in relation to frequency of people entering and existing the dwelling, vehicle parking and noise. The proposed terraced-style dwelling is in very close proximity to other dwellings (sharing boundary walls on both sides) and provides a shared vehicle access to all dwellings to the rear of 19 other dwellings with no separate driveway. All of these factors have the potential to negatively impact the surrounding neighbours, several who have objected. The proposal is not considered suitable for this location and is therefore recommended for refusal.

Strategic Plan/Policy Implications

Growing City

- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

As mentioned under 'Community Consultation'.

Attachment(s)

1. Location Plan
2. Site Plan
3. Property Management Plan & Code of Conduct
4. Applicant's letter of justification
5. Dwelling Floor Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 December 2015 Council Meeting.



Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.7 (MINUTE NO 5693) (OCM 10/12/2015) - COCKBURN CENTRAL WEST LOCAL DEVELOPMENT PLAN INCORPORATING DESIGN GUIDELINES LOCATION: N/A OWNER: N/A APPLICANT: LANDCORP (110/070) (R PLEASANT) (ATTACH)**RECOMMENDATION**

That Council

- (1) in accordance with Clause 48 of the Deemed Provisions of City of Cockburn Town Planning Scheme No. 3, approve the Local Development Plan for the Cockburn Central West Design Guidelines subject to the following modifications:
1. Refinement of objectives and development controls to ensure they are achievable and measurable by applicants.
 2. Administrative amendments including:
 - a) Changes to text on the masterplan – page 5;
 - b) Modification to the text on page 8 to consolidate the various planning instruments;
 - c) Modification/refinement to some key headings;
 - d) The climatic zone description on page 10 requires a reference to the environment and sustainability controls towards the rear of the document to inform applicants;
 - e) Amendment to the contents page – duplicate headings and some numbering;
 - f) Clarification on the figures referenced within the urban design diagrams on page 16.
 3. Additional diagrams to support the desired vision for the precinct and to articulate the design opportunities and considerations for future built form, including:
 - a) A contextual analysis drawing supported with images for site context (5.1);
 - b) The inclusion of concept plans and illustrations demonstrating the design intent of the public spaces and the overall precinct;
 4. The lots on the North-West corner and the South-East corner of Centenary Lane and Veterans Parade being nominated “non-residential uses encouraged”.
 5. Further illustrations being provided regarding the development interface with public open space, in particular



providing sketches to demonstrate design considerations for lots abutting the rugby fields and the oval.

6. The inclusion of provisions which detail how the requirement for affordable housing will be achieved and implemented.
7. Modifications to provide an alternative design response for development abutting the rugby pitch and the oval such that residents aren't required to rely on these environments for their direct access.
8. Modifications to remove locations that are unsuitable for crossovers. These have been based on traffic related conflict areas. These locations need extending for some sites to ensure street tree locations are not impacted.
9. Modifications to extend the requirement for an Acoustic assessment to lots fronting Midgegooroo Avenue.
10. Modifications to all relevant plans and text to depict a possible future grade separated crossing leading from the main pedestrian link across Beeliar Drive, between Wentworth Parade and Midgegooroo Avenue.

(2) advise the applicant accordingly.

COUNCIL DECISION

MOVED Cllr S Pratt SECONDED Cllr C Terblanche that the recommendation be adopted.

CARRIED 10/0

Background

The draft Cockburn Central West Design Guidelines (the draft Design Guidelines) have been prepared to guide development and urban form of the Cockburn Central West Precinct. These guidelines represent collaborative inputs prepared by the City, the Office of the Government Architect, CODA Architects, LandCorp and Taylor Burrell Barnett.



The draft Design Guidelines aspire to promote high amenity mixed-use developments that respond to the unique public spaces and facilities, including the emerging Cockburn Regional Recreation facility.

It is intended that the draft Design Guidelines be adopted as a Local Development Plan pursuant to Clause 48 of the Deemed Provisions of City of Cockburn Town Planning Scheme No. 3.

Landcorp have obtained subdivision approval for Stage 1 of 3 stages and have commenced civil works. Expressions of interest were sought in September 2015 from potential purchasers and developers. As a result, it was considered by Landcorp (and the City) an opportune time for the design guidelines to be prepared and finalised.

Given the importance of Cockburn Central West, including its contribution to the wider activity centre, in addition to the considerable development being planned, the Design Guidelines are presented to Council for consideration and adoption.

Submission

N/A

Report

In order to provide design guidance for the approximate 1,000 residential dwellings, and 20,000sqm of retail/commercial floor space, as identified within the Cockburn Central West Local Structure Plan (the Local Structure Plan), the Local Structure Plan requires the draft Design Guidelines to address (but not be limited to) the following matters:

- Appropriate building bulk and scale;
- The promotion of pedestrian scale developments that consider height and setbacks;
- Fine grain development;
- Materials and articulation;
- Landmark and corner sites;
- Utility corridor interfaces;
- Privacy;
- Signage;
- Land use;
- Sustainability objectives;
- Ground floor activation;
- Car parking requirements, and;
- Private open spaces.



The draft Design Guidelines do not relate to any public land (public open spaces or roads for example) or the Regional Recreation Centre.

Structure and approach

The draft Design Guidelines have drawn from the Cockburn Town Centre Design Guidelines. A copy of the draft Design Guidelines are provided at Attachment 1.

The draft Design Guidelines, similar to the Town Centre Design Guidelines, is structured into 3 broad sections – local contextual and urban design considerations, built form requirements, and site specific development controls.

The site specific controls have been developed and informed through the development of a three dimensional model of which was required to understand the unique opportunities and constraints across the Cockburn Central West precinct, including – the considerable change in levels across the site and the various interface considerations including but not limited to; lots abutting public open space, the power line easement and key roads.

While a considerable amount of collaboration has been undertaken in the preparation of the draft Design Guidelines, it is recommended several further modifications be made. It is not envisaged the modifications will change the scope of the draft, rather the modifications are seen as a refinement of the considerable work undertaken to date.

These modifications are outlined as follows.

1. Objectives and development controls

The approach embedded in the draft Design Guidelines is based on three elements to assist landowners in preparing development applications – objectives, development controls and design guidance.

A range of objectives, and lesser so development controls, referred to within the draft Design Guidelines require refinement to ensure they are achievable and measurable by applicants. The scope of these modifications is unlikely to change the intent of any of the sections, rather it is envisaged the review of the objectives will make the development assessment process clearer through the provision of clear, easy to read paragraphs.



2. *Administrative amendments*

The draft Design Guidelines require several administrative changes including:

- Changes to text on the masterplan – page 5.
- Modification to the text on page 8 to consolidate the various planning instruments.
- Modification/refinement to some key headings.
- The climatic zone description on page 10 requires a reference to the environment and sustainability controls towards the rear of the document to inform applicants.
- Amendment to the contents page – duplicate headings and some numbering.
- Clarification on the figures referenced within the urban design diagrams on page 16.

3. *Additional diagrams*

In order to support the desired vision for the precinct and to articulate the design opportunities and considerations for future built form, it is considered appropriate further illustrations and diagrams are provided including:

- A contextual analysis drawing supported with images for site context (5.1).
- The inclusion of concept plans and illustrations demonstrating the design intent of the public spaces and the overall precinct. This additional information will also reference the intended returned service persons theme envisaged for the precinct. The purpose of this recommendation is to communicate the design work already undertaken for the public spaces and ensure applicants can respond appropriately.

4. *Land use requirements*

In order to promote a strong link along Veterans Way (linking the town centre with the Recreation Centre) and to promote commercial and retail uses on important corner sites, it is suggested in addition to the lots identified on page 14 of the draft Design Guidelines that the lots on the North-West corner and the South-East corner of Centenary Lane and Veterans Parade be also nominated non-residential uses encouraged.

5. *Development interface with public open space*

The draft Design Guidelines do not provide sufficient clarity as to the intended built form interface around some of the public spaces. It is suggested this can be improved through further illustrations and in



particular providing sketches to demonstrate design considerations for lots abutting the rugby fields and the oval.

It is suggested this information be included within the Public Domain Interface section (6.6).

6. *Affordable housing*

It is proposed that developments that go beyond a plot ratio of 3.0 (likely to be approximately 8-10 storeys) should be required to provide affordable housing options integrated within their development. While the City agrees with this in principle, further discussion is required with the applicant to refine the details and to understand how this can be achieved and implemented. This section requires review.

7. *Private access to the oval and rugby pitches*

Currently the controls require lots that directly abut public spaces to provide direct access for residents. This is not appropriate for lots fronting the rugby pitch or the oval and therefore further consideration of controls requires an alternative response. The further diagrams suggested previously will assist in this regard.

8. *Vehicle access for private lots*

The site specific controls identify locations that are unsuitable for crossovers. These have been based on traffic related conflict areas. These locations need extending for some sites to ensure street tree locations are not impacted.

9. *Acoustic assessment requirements*

The Design Guidelines identify lots fronting North Lake Road and Beeliar Drive as requiring an acoustic report at the development assessment stage. This needs to be amended to include development on lots fronting Midgegooroo Avenue as identified within the Local Structure Plan.

10. *Public realm – Beeliar Drive*

The long term strategic plan for Beeliar Drive is set out within the draft Cockburn Central Activity Centre Structure Plan. The draft Plan identifies the need to address Beeliar Drive in terms of its impact on the wider activity centre including amenity and accessibility for pedestrians. This includes providing better connections with Cockburn Central West and the southern side of Beeliar Drive.



Importantly the draft Design Guidelines contribute to this long term plan by aligning streets with important desire lines for pedestrians and additionally built form will be required to contribute to these objectives through orientation and frontages that respond appropriately to the streetscape.

There is a possibility that Beeliar drive may not realise the desired pedestrian scale environment in the short to medium term and therefore the option of a pedestrian overpass has been considered, connecting CCW with the southern side of Beeliar Drive. Such an overpass would require a lift on either side and there is sufficient room within the road reserve on both sides of the road (in front of the Cockburn Health Centre) to accommodate such a structure. It is expected that such a project while still requiring detailed design and costing would be in the vicinity of \$7 million.

It is therefore required that the design guidelines be updated to clearly reflect the future potential of a grade separated crossing at this point.

Conclusion

The draft Design Guidelines have been prepared to guide the creation of a high quality development that ensures the design aspirations of the Cockburn Central West Local Structure Plan is achieved. The draft Design Guidelines require several modifications before they are acceptable for adoption; however, the Draft Design Guidelines present a considerable amount of design work that promises to deliver a quality built form outcome.

Strategic Plan/Policy Implications

Infrastructure

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

Community & Lifestyle

- Communities that are connected, inclusive and promote intergenerational opportunities.
- Safe communities and to improve the community's sense of safety.

A Prosperous City

- Creation and promotion of opportunities for destination based leisure and tourism facilities.

Budget/Financial Implications

N/A.



Legal Implications

N/A.

Community Consultation

As per Clause 50 of the Planning and Development Regulations 2015 the City is not required to advertise a Local development Plan if it is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.

The City does not believe the draft design Guidelines require advertising for the following reasons:

- Consultation occurred with adjacent land owners during the local structure plan preparation stage and these draft design Guidelines are consistent with the adopted Local Structure Plan.
- The area covered by the draft Design Guidelines does not contain any residents.
- The nearest properties are not considered to be impacted due to major roads or infrastructure separating the proposed development with adjacent developments.

Attachment(s)

Draft Cockburn Central West design Guidelines

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 December 2015 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.8 (MINUTE NO 5694) (OCM 10/12/2015) - SOUTHERN SUBURBS DISTRICT STRUCTURE PLAN - STAGE 3 (AMENDMENT) LOCATION: HAMMOND PARK - OWNER: VARIOUS (110/146) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the proposed amendment to the Southern Suburbs District Structure Plan – Stage 3 (“SSDSP3”), for the purpose of providing a guiding document to inform the preparation of future



Structure Plans, which clarifies the planning associated with Wattleup Road realignment; and

- (2) advertise the proposed SSDSP3 map for community consultation for a period of 42 days.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr C Terblanche that the recommendation be adopted.

CARRIED 10/0

Background

Subdivision and development within the southern portion of Hammond Park has been guided by the Southern Suburbs District Structure Plan - Stage 3 ("SSDSP3") which was originally adopted by Council in August 2005. The area guided by SSDSP3 relates to the land on the western side of the Kwinana Freeway, south of Gaebler Road to Rowley Road, Hammond Park and from the Freeway west along Wattleup Road. The SSDSP3 area is shown in Attachment 1.

Since the original SSDSP3 was adopted, a number of factors have led to the need for the City to undertake modifications of the plan. The purpose of this report is to consider a separate amendment to the District Structure Plan as it pertains to the planning for Wattleup Road.

Submission

N/A

Report

Planning Framework

The Southern Suburbs District Structure Plan – Stage 3 ("SSDSP3") area is predominantly zoned 'Urban' under the Metropolitan Region Scheme and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme").

The scheme details several Development Areas which require the preparation of Structure Plans in order to coordinate future subdivision and development. These structure plans are adopted under the



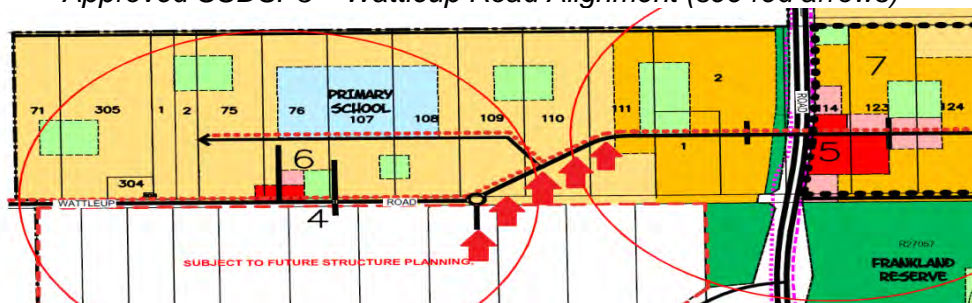
statutory process prescribed by the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 4 – Structure Plans deemed provisions, which results in Structure Plans (once approved) providing for later details of subdivision.

In areas of highly fragmented land ownership it is often difficult to coordinate individual structure plans without some form of broader district framework in which to guide decision making. This is overcome through the preparation of District Structure Plans to act as ‘guiding documents’ for future structure planning processes. These sit outside of the Scheme by necessity, however do provide a degree of policy guidance appropriate to the assessment of structure plans under the Scheme. The SSDSP3 guides decision making at a local government level and that of the Western Australian Planning Commission.

Proposed amendment to SSDSP3

The proposed SSDSP3 map is provided for within Attachment 3 of this report. The proposed SSDSP3 amendment entails the deletion of the Wattleup Road realignment. Under the current SSDSP3 the realignment of Wattleup Road extends on a north eastern diagonal into the residential centre. The below image provides a representation of the approved Wattleup Road SSDSP3 realignment arrangement.

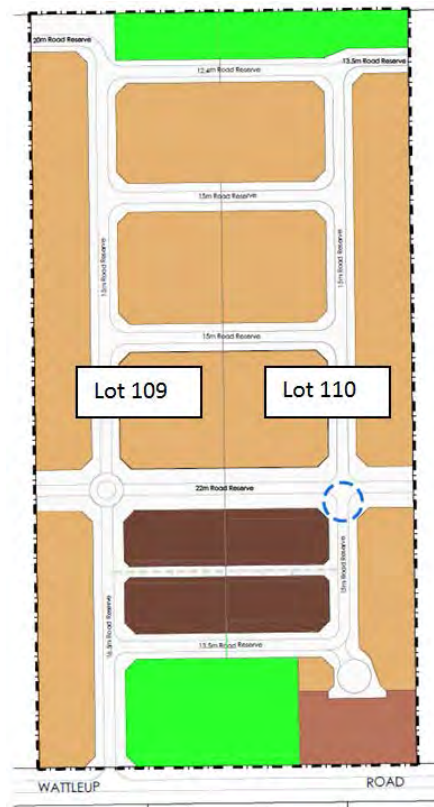
Approved SSDSP3 – Wattleup Road Alignment (see red arrows)



The realigned Wattleup Road forms a ‘V’ over lot 110 as indicated in the above image. Council at its 9 April 2015 meeting resolved to adopt a single structure plan over both Lots 109 and 110 Wattleup Road, Hammond Park. The adopted structure plan differs from the SSDSP3 in that the road network was designed with a central east/ west road link with secondary roads in a north/ south arrangement. This traditional grid network is considered to be the preferred concept. The below image provides representation of the adopted structure plan for this area.



Adopted structure plan for Lots 109 and 110 Wattleup Road, Hammond Park



The concept behind the east/west design, as shown on the above structure plan, as opposed to the District Structure Plan concept is in response to the lack of certainty around the timing of the construction of Rowley Road (refer to Attachment 1 for details).

In the absence of a commitment to the delivery for Rowley Road, Wattleup Road remains the primary east west link utilised by heavy vehicles. To contemplate therefore a deviation of the road through a residential neighbourhood, as currently provided in the SSDSP3 document, would create significant conflict and impacts on the residential area.

The project officers are concerned that should the SSDSP3 design be followed through (with the 'V' road concept) then the new residential areas would be saddled with significant heavy truck movements, from the current to the realigned Wattleup Road. By reorienting the realigned Wattleup Road to run parallel (now called Whadjuk Drive) it discourages these movements, while allowing the existing Wattleup Road to serve this function until Rowley Road is upgraded to service Latitude 32. By providing strong north south connections between the two east west running roads, traffic will also be spread more effectively and importantly conflict between freight and local traffic reduced. The

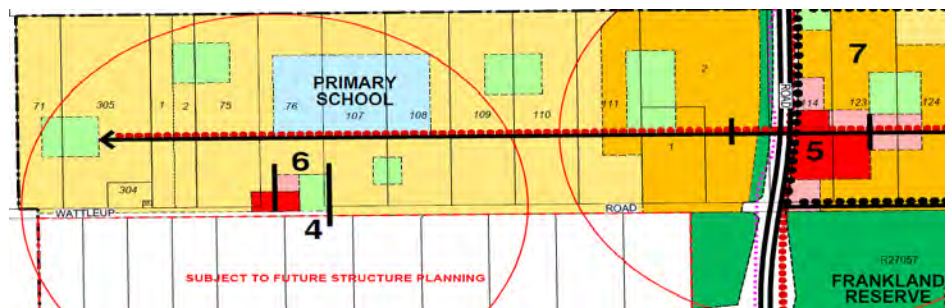


City's planning and engineering project officers consider this as an optimal outcome.

Wattleup Road would follow the upgrade of Rowley Road and ultimately be terminated at the future extension of Hammond Road as either a cul-de-sac or a left in-left out intersection. Thus east-west freight movements would then utilise Rowley Road, and residential movements would utilise the realigned Wattleup Road.

The proposed SSDSP3 amendment aims to align the SSDSP3 map in line with the Council adopted structure plan for Lots 109 and 110. This administrative amendment is identified below.

Proposed SSDSP3 Amendment



Draft Western Trade Coast Protection Area Legislation

Council, at its 3 December 2015 meeting, considered Item 9.1 regarding the City's formal response to the *draft Planning and Development Legislation Amendment (Western Trade Coast Protection Area) Bill 2015*.

The land to the south of Wattleup Road up to the future Hammond Road regional road is identified as '*subject to future structure planning*' on the SSDSP3 Map. This was to take account of future decision making of the State Government, in respect of the Western Trade Coast Protection Area. The draft legislation proposes two options – one with this portion of land within the protection area, one of it outside the protection area. This carries the disclaimer that it is subject to the Minister for Planning's consideration of an appeal.

The City of Cockburn objects to this portion of land being within the protection area. It has been planned for residential development in the long term, and there has been no buffer definition study based upon acceptable scientific and planning criteria which demonstrate this land as being unacceptable for sensitive development. The City's position has been made clear as per the resolution of Council at its 3 December 2015 Special Council Meeting.



Conclusion

It is recommended that Council approve the proposed SSDSP3 map change for the purposes of landowner and community consultation. Officers are of the view that it adequately responds to the site characteristics of the land, and provides a robust guideline to help in the preparation of future structure plans. It is recommended that the proposed amendment to the District Structure Plan be advertised for community consultation for a period of 42 days.

Strategic Plan/Policy Implications**Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

Community & Lifestyle

- Communities that are connected, inclusive and promote intergenerational opportunities.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

It is recommended that the proposed amendment to the District Structure Plan be advertised for community consultation for a period of 42 days.

Attachment(s)

1. Aerial photograph/ location plan
2. SSDSP3 Comparison plan
3. Proposed SSDSP3 map



Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 December 2015 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 5695) (OCM 10/12/2015) - LIST OF CREDITORS PAID - OCTOBER 2015 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the List of Creditors Paid for October 2015, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr C Terblanche that the recommendation be adopted.

CARRIED 10/0

Background

It is a requirement of the Local Government (Financial Management) Regulations 1996, that a List of Creditors be compiled each month and provided to Council.

Submission

N/A

Report

The list of accounts for October 2015 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.



Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – October 2015.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

15.2 (MINUTE NO 5696) (OCM 10/12/2015) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - OCTOBER 2015 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION														
That Council														
(1)	adopt the Statement of Financial Activity and associated reports for October 2015, as attached to the Agenda; and													
(2)	amend the 2015/16 Municipal Budget by the following net adjustment amounts as detailed in the attachment:													
<table border="1"> <tr> <td colspan="3">Expense Adjustments:</td> </tr> <tr> <td>Capital Expenditure</td> <td>Reduce</td> <td>(\$1,046,596)</td> </tr> <tr> <td>Operating Expenditure</td> <td>Increase</td> <td>\$92,000</td> </tr> <tr> <td>Transfers to Reserves (from land sales)</td> <td>Reduce</td> <td>(8,600,000)</td> </tr> </table>			Expense Adjustments:			Capital Expenditure	Reduce	(\$1,046,596)	Operating Expenditure	Increase	\$92,000	Transfers to Reserves (from land sales)	Reduce	(8,600,000)
Expense Adjustments:														
Capital Expenditure	Reduce	(\$1,046,596)												
Operating Expenditure	Increase	\$92,000												
Transfers to Reserves (from land sales)	Reduce	(8,600,000)												



Total Expenditure/TF to Reserves		(\$9,554,596)
Funding Adjustments:		
Capital Income – Sale of Assets	Reduce	\$8,600,000
Grants & Contributions	Increase	(\$45,404)
Transfers from Reserves	Reduce	\$1,000,000
Total Funding/TF from Reserves		\$9,554,596

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr L Wetton that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

Regulation 34(2) requires the Statement of Financial Activity to be accompanied by documents containing:–

- (a) details of the composition of the closing net current assets (less restricted and committed assets);
- (b) explanation for each material variance identified between YTD budgets and actuals; and
- (c) any other supporting information considered relevant by the local government.

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents be presented to Council within 2 months after the end of the month to which the statement relates.

The regulations require the information reported in the statement to be shown either by nature and type, statutory program or business unit. The City chooses to report the information according to its organisational business structure, as well as by nature and type.

Local Government (Financial Management) Regulations - Regulation 34 (5) states:



- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

This regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details within monthly reporting. Council has adopted a materiality threshold of \$200,000 for the 2015/16 financial year.

Whilst this level of variance reporting helps to inform the mid-year budget review, detailed analysis of all budget variances is an ongoing exercise. Certain budget amendments are submitted to Council each month where deemed necessary to do so ahead of the mid-year review.

Submission

N/A

Report

Opening Funds

The opening funds of \$13.7M brought forward from last year have been audited and finalised. These compare closely to the adopted budget of \$13.5M, with the additional surplus to be transferred into the Roads & Drainage Infrastructure Reserve (as adopted at the November Council Meeting). These include the required municipal funding for carried forward works and projects of \$9.7M versus the original \$10.5M estimated in the adopted budget.

Closing Funds

The budgeted closing funds fluctuate throughout the year, due to the ongoing impact of Council decisions and budget recognition of additional revenue and costs. Details on the composition of the budgeted closing funds are outlined in Note 3 to the financial summaries attached to this report.

The City's closing funds of \$85.5M are \$6.1M lower than the YTD budget target. This comprises a number of unfavourable cash flow variances across the operating and capital programs (as detailed later in this report) and the minor variance in the opening funds described earlier.



The budgeted end of year closing funds remain at \$0.29M, versus the \$0.36M originally adopted and subsequently reduced through some minor budget amendments.

Operating Revenue

Consolidated operating revenue of \$102.4M was just under the YTD budget target by \$0.6M.

The following table shows the operating revenue budget variance at the nature and type level:

Nature or Type Classification	Actual Revenue \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Rates	86.2	86.6	0.4	89.0
Specified Area Rates	0.3	0.3	(0.1)	0.3
Fees & Charges	9.5	10.4	0.8	25.1
Service Charges	1.0	1.0	(0.0)	1.0
Operating Grants & Subsidies	2.7	2.6	(0.1)	7.3
Contributions, Donations, Reimbursements	0.3	0.3	(0.0)	0.7
Interest Earnings	2.2	1.8	(0.4)	5.4
Other Revenue	0.0	0.0	(0.0)	0.0
Total	102.4	103.0	0.6	128.8

The significant variances within this result were:

- Commercial landfill fees at \$2.3M ended up \$1.0M behind the adjusted YTD budget.
- Rates revenue was \$0.4M behind budget due to a delay in processing interim rates whilst systems and resources were impacted by the rates concession issue.
- Commercial lease revenue was \$0.2M behind YTD budget settings.
- Interest earnings were \$0.4M ahead of budget mainly due to interest on rates being \$0.29M ahead of the cash flow budget.

Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$39.0M was under the YTD budget by \$1.0M and comprised the following significant items:



This result comprised the following significant items:

- Material and Contracts were \$1.0M under YTD budget mainly due to underspending in parks & bushland maintenance of \$0.5M and RRRC entry fees for waste collection under by \$0.2M.
- Insurances were \$0.8M over YTD budget as second instalment charges were received a month earlier than budgeted.
- Salaries and direct employee on-costs were \$0.3M under YTD budget across the board without any material variances (i.e. greater than \$0.2M) in any one business area.
- Depreciation on assets was \$0.5M under the YTD budget mainly due to lower depreciation for road assets following the EOFY revaluation.

The following table shows the operating expenditure budget variance at the nature and type level. The internal recharging credits reflect the amount of internal costs capitalised against the City's assets:

Nature or Type Classification	Actual Expenses \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Employee Costs - Direct	14.0	14.3	0.3	46.5
Employee Costs - Indirect	0.2	0.2	0.0	1.1
Materials and Contracts	11.0	12.0	1.0	36.8
Utilities	1.4	1.6	0.2	4.6
Interest Expenses	0.0	0.0	0.0	0.1
Insurances	2.1	1.2	-0.8	2.1
Other Expenses	2.3	2.0	-0.3	8.9
Depreciation (non-cash)	8.8	9.3	0.5	27.9
Internal Recharging-CAPEX	-0.7	-0.6	0.1	-3.0
Total	39.0	40.0	1.0	125.1

Capital Expenditure

The City's total capital spend at end of October was \$13.6M, representing an under spend of \$5.8M against the YTD budget of \$19.4M.

The following table shows the budget variance analysis by asset class:

Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	FY Revised Budget \$M	Commit Orders \$M
Roads Infrastructure	1.8	2.8	1.0	13.5	0.6

Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	FY Revised Budget \$M	Commit Orders \$M
Drainage	0.2	0.2	0.1	1.6	0.0
Footpaths	0.3	0.3	0.0	1.1	0.0
Parks Hard					
Infrastructure	0.8	1.0	0.3	7.3	0.2
Parks Soft Infrastructure	0.1	0.2	0.1	1.2	0.0
Landfill Infrastructure	0.1	0.2	0.1	0.6	0.1
Freehold Land	0.1	0.9	0.9	1.9	0.1
Buildings	8.6	11.0	2.4	66.2	70.5
Furniture & Equipment	0.0	0.0	0.0	0.0	0.0
Computers	0.2	0.5	0.4	1.0	0.1
Plant & Machinery	1.4	2.2	0.7	6.2	0.4
Total	13.6	19.4	5.8	100.7	72.0

These results included the following significant items:

- The CCW RAEPEC (\$1.6M) and Civic building HVAC upgrade works (\$0.3M) were the significant variances in the net \$2.3M underspend against YTD budget for Buildings.
- The roads construction program was \$1.0M underspent against the YTD budget, mainly due to Berrigan Drive [Kwinana Fwy to Jandakot Rd] under by \$0.9M; and North Lake Road [Hammond to Kentucky] under by \$0.4M.
- The plant replacement program was \$0.7M behind the YTD budget with several light and heavy fleet items on order.

Capital Funding

Capital funding sources are highly correlated to capital spending, the sale of assets and the rate of development within the City (developer contributions received).

Significant variances for the month included:

- Transfers from financial reserves were \$8.6M below YTD budget due to the capital budget under spends.
- Developer contributions received under the Community Infrastructure plan were \$0.7M over the YTD budget and \$0.4M over the YTD budget for DCP1 - Success North.
- Development partner contributions for the CCW RPAEC project were \$2.2M behind the YTD budget, correlating to the project's lower expenditure to date and awaiting ministerial 'in principle' support to complete legal processes for agreements.



- Government funding for the CCW RPAEC project was \$1.1M less than the cash flow budget.
- Proceeds from the sale of land were \$4.3M behind YTD budget attributable to delayed land sales (to be reviewed), and \$0.7M behind budget for the plant replacement program.

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$172.7M, slightly down from \$173.9M the previous month. \$100.2M of the closing balance represented the amount held for the City's cash backed financial reserves. Another \$6.8M represented restricted funds held to cover deposit and bond liabilities. The remaining \$65.7M represented the cash and financial investment component of the City's working capital, available to fund current operations, capital projects, financial liabilities and other financial commitments (e.g. end of year reconciling transfers to financial reserves).

The City's investment portfolio made a weighted annualised return of 3.00% for the month, down from 3.04% the previous month and 3.16% the month before. Whilst this result compares favourably against the UBS Bank Bill Index and the various short term BBSW indices, it continues to trend downwards. This is due to the interest rates being offered on new investments being lower than those that applied to maturing investments. The cash rate currently sits at 2.00% with financial markets pricing in a possible cut to the cash rate early next year. If this eventuates, the City's interest revenue budget of \$5.4M for the 2015/16 financial year may need to be revised. An analysis will be undertaken as part of the mid-year budget review.

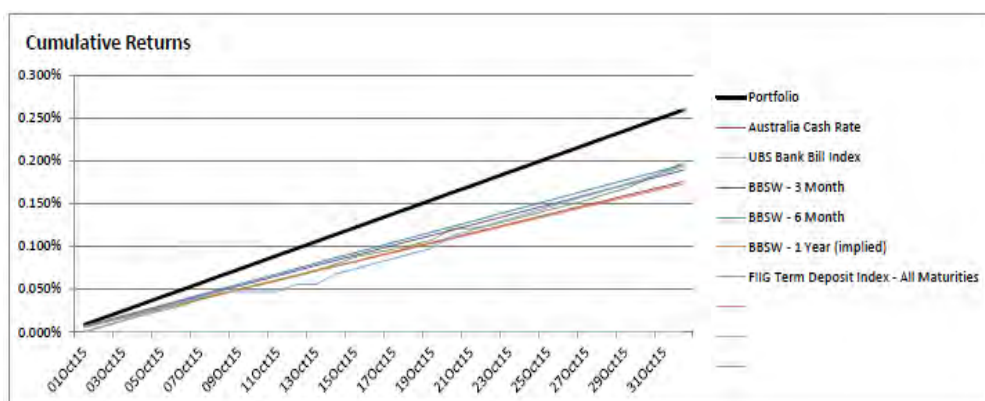


Figure 1: COC Portfolio Returns vs. Benchmarks

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are invested for terms ranging from three to twelve months. All investments comply with the



Council's Investment Policy other than those made under previous statutory requirements and grandfathered by the new provisions.

TD investments fall within the following Standard & Poors short term risk rating categories:

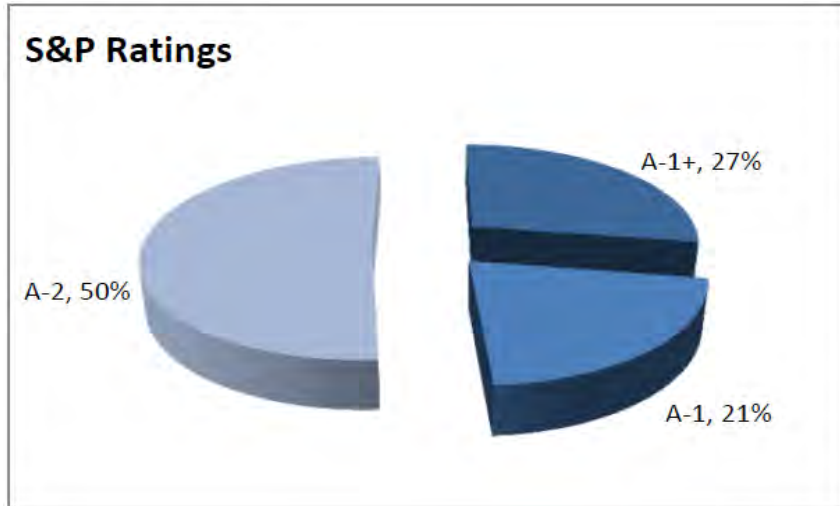


Figure 2: Council Investment Ratings Mix

The current investment strategy seeks to secure the best possible rate on offer over the longer duration terms allowed under legislation and policy (6 to 12 months for term deposits), subject to cash flow planning requirements. The City's investment portfolio currently has an average duration of 136 days (down from 147 days last month) with the maturity profile graphically depicted below:

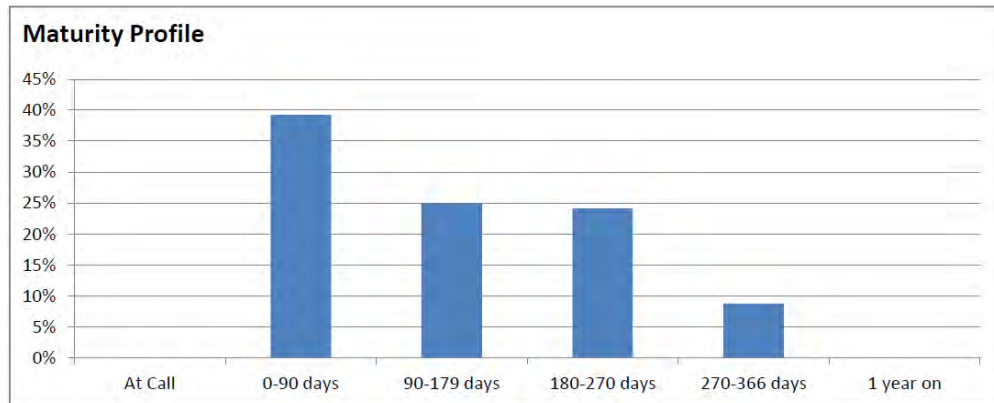


Figure 3: Council Investment Maturity Profile

Budget Revisions

Several budget amendments are recommended to deal with the following matters:

- Adding depreciation for CCTV assets not accounted for previously \$184,788.



- Transfers from the Elected Members Budget Contingency to fund increases to Strategic Planning conference & training costs of \$2.5K, business intelligence software of \$34k and staff Christmas gifts of \$3K.
- Transfer \$70k of design consultancy for Beale Park clubrooms to consultancy for the Community Sport and Recreation Strategic Facilities Plan.
- Received extra funding to upgrade disability access at Botany Park \$23K.
- Received extra funding from landowners for hydro mulching \$22K.
- Eliminate the annual budget allocation for the \$1.0M development cost for Lot 804 Beeliar Drive and \$8.6M sale proceeds from lot 804 Beeliar Drive, as this project was already included in the carried forward projects adopted by Council in November.

There is a table in the attached financial report with the details of these amendments.

Description of Graphs and Charts

There is a bar graph tracking Business Unit operating expenditure against budget. This provides a very quick view of how the different units are tracking and the comparative size of their budgets.

The Capital Expenditure graph tracks the YTD capital spends against the budget. It also includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year. Council's overall cash and investments position is provided in a line graph with a comparison against the YTD budget and the previous year's position at the same time.

Pie charts included show the break-up of actual operating income and expenditure by nature and type and the make-up of Council's current assets and liabilities (comprising the net current position).

Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.



- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

A number of budget amendments are proposed for adoption as detailed within this report. There is no change to the City's end of year closing financial position.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – October 2015.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

CLR ALLEN LEFT THE MEETING THE TIME BEING 8.43 PM

DECLARATIONS OF INTEREST

The Presiding Member advised that he had received a written declaration of interest from Clr Allen which was an Impartiality Conflict in relation to Item 16.1 "Tender no. (C100268) RFT17/2015 - Road Construction Services - Beeliar Drive Duplication - Beeliar Drive (Durnin Avenue to Spearwood Avenue), Beeliar WA", pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of the interest is that his company, Veda Advantage, the company of which he is the State Manager, undertook corporate



financial risk and assessment services of the recommended tenderer on behalf of Council

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 **(MINUTE NO 5697) (OCM 10/12/2015) - TENDER NO. (C100262) RFT20/2015 - BUILDING CONSTRUCTION SERVICES - CITY OF COCKBURN OPERATIONS CENTRE REDEVELOPMENT (STAGE 1) LOTS 50-52 WELLARD STREET BIBRA LAKE WA (RFT20/2015) (D VICKERY) (ATTACH)**

RECOMMENDATION

That Council accepts:

- (1) the Tender submission for Tender No. RFT 20/2015 – Building Construction Services - City Of Cockburn Operations Centre Redevelopment (Stage 1) Lots 50-52 Wellard Street, Bibra Lake from Pindan Contracting Pty Ltd for the Lump Sum Contract value of \$9.544M (Incl. GST) (\$8.676M Ex GST); and
- (2) the additional Schedule of Rates for determining variations and additional services.

COUNCIL DECISION

MOVED Clr L Smith SECONDED Clr L Wetton that the recommendation be adopted.

CARRIED 9/0

Background

The City of Cockburn has embarked on a depot redevelopment project for its 52-54 Wellard Street, Bibra Lake site which involves construction of a new centralised Operations Building, new animal pound building, modifications to the workshop and various other enhancements. An ancillary project is the provision of a sewer main from the depot through to the nearest connection on the west side of Stock Road.

The works are being staged, forward works were undertaken to relocate the Rangers and CoSafe buildings and extend the staff vehicle carpark at the front. The next 'Stage 1' (being the subject of this tender) comprises the construction of the new Operations Centre building and



new Animal Pound and associated visitor and Council vehicle parking in the north-west quarter of the depot site.

For this first stage the architectural design and construction tender documentation has been completed and the Project Management Services tender has been awarded.

Tender Number RFT 20/2015 Building Construction Services - City Of Cockburn Operations Centre Redevelopment (Stage 1) Lots 50-52 Wellard Street Bibra Lake WA was advertised on Wednesday, 23rd September 2015 in the Local Government Tenders section of "The West Australian" newspaper.

The tender was also displayed on the City's e-tendering website between Wednesday, 23rd September 2015 and Wednesday, 28th October 2015.

Submission

Tenders closed at 2:00pm (AWST) Wednesday, 28th October 2015. Tender submissions were received from the following ten (10) companies':

Tenderer's Name:	Registered Business Name
Brightway Earthmoving Pty Ltd	Brightway Earthmoving Pty Ltd
Bistel Pty. Ltd	Bistel Construction Pty Ltd
ADCO Constructions Pty Ltd	ADCO Constructions
Wiseclass Investments Pty Ltd	Integria Construction
Pact Construction	PACT Construction
EMCO Building	EMCO Building
Pindan	Pindan Contracting
Maintenance and Construction Services Australia (MACS)	Maintenance and Construction Services (Australia) Pty Ltd
Streamline Roofing	Streamline Roofing
Shelford Constructions Pty Ltd	Shelford Constructions Pty Ltd

Note: The last two (2) tender submissions (Streamline Roofing & Shelford) were released by Tenderlink from their secure server, to the City of Cockburn on Friday 6 November 2015, after the closure of tenders, following a determination to confirm their validity. This acceptance applies solely to Tender No. RFT 20/2015 and the Principal neither accepts, infers nor implies that any precedent in relation to any previous or future tender submission is established or applicable.



Report

A. Compliance Criteria

Criteria Ref.	Description
A	Compliance with the Conditions of Tendering (Part 1) of this Request.
B	Compliance with the WA Registered Building Contractor and WA Registered Building Practitioner requirements and completion of Clauses 3.3 and 3.4.
C	Compliance with and completion of Clauses 3.7 and 3.8
D	Compliance with the Specifications (Part 2) contained in the Request.
E	Compliance with Insurance Requirements and completion of Clause 3.5.7
F	Compliance with Qualitative Criteria requirements and completion of Section 3.6.2 (Separate Document).
G	Compliance with Fixed Price and completion of Clause 3.10.2
H	Compliance with Sub-Contractors Requirements and completion of Clause 3.9
I	Compliance with and completion of the Price Schedule in the format provided in Part 4.(Refer to Clause 1.11.2)
J	Compliance with OSH Requirements & completion of Appendix A.
K	Compliance with ACCC Requirements and completion of Appendix B.
L	Attendance at the Mandatory Site meeting in accordance with Clause 1.6
M	Acknowledgement of any Addenda / Clarification issued.

B. Compliant Tenders

Tenderers Name	Compliance Assessment
Brightway Earthmoving Pty Ltd	Non-Compliant
Bistel Pty. Ltd	Compliant
ADCO Constructions Pty Ltd	Compliant
Wiseclass Investments Pty Ltd T/A Integria Construction	Compliant
Pact Construction	Compliant
EMCO Building	Compliant
Pindan	Compliant

Maintenance and Construction Services Australia (MACS)	Compliant
Streamline Roofing	Non-Compliant
Shelford Constructions Pty Ltd	Compliant

All submissions were subject to Criteria Compliance check by Procurement Services; four RFT submissions were deemed fully compliant with another four (4) submissions deemed to have minor non-compliance issues regarding levels of insurance.

The matter of insurance is minor and at the lower end of compliance, the four (4) effected tender submissions were forwarded to the Evaluation Panel.

The submissions from Brightway and Streamline were deemed non-compliant for failing to comply with the Conditions of Tendering as defined within Part 1 of the RFT document.

C. Evaluation Criteria

Tenderers were assessed against the following criteria:

Evaluation Criteria	Weighing Percentage
Relevant Experience	15%
Company Profile	10%
Tenderer's Resources	10%
Methodology	10%
Sustainability Experience	5%
Tendered Price	50%
Total Weightings	100%

D. Tender Intent/Requirements

The City is seeking the services of a suitably qualified, experienced and licenced commercial building construction Contractor to undertake the redevelopment by constructing a new Operations Centre and Animal Facility as Part of Stage 1 on Lots 50-52 Wellard Street, Bibra Lake, WA.

The works include construction of a two (2) story administration building and single storey animal facility, security fencing, automated gates, site transformer, cooling tower, fire pump



house, parking bays, external lighting and CCTV cameras, and associated site works.

Provision also needs to be allowed for preparing the site for specialist Contractors nominated by the Principal to install the communications tower, ancillary portable building and emergency power generator as coordinated under the main contract.

It is envisaged the construction should commence in February 2016 and the build period is expected to be fifty five (55) weeks.

E. Evaluation Panel

The tender submissions were evaluated by the following City of Cockburn Officers and one external Consultant. The Procurement Services representative attended in a probity role only.

Name	Position & Organisation
Mr Doug Vickery (Chair & SBMG Rep)	Manager – Infrastructure Services
Mr Stuart Downing	Director – Finance & Corporate Services
Mr Anton Lees	Manager – Parks & Environmental Services
Mr Bruce Mentz	Ranger & Community Safety Services Mgr
Mr Terry Holton	Consultant – Holton Conner
Probity Role Only	
Mr Stephen White	Contracts Officer (Procurement Services) - City of Cockburn

F. Scoring Table

The below table represents the scoring of the tender submission from a Qualitative Criteria/Non-Cost and Cost perspective.

The assessment panel evaluated the Qualitative Criteria of the tender submission in the absence of the tendered price (two-envelope system) and then the score was consolidated.



Tenderer's Name	Percentage Scores		
	Qualitative Criteria Evaluation	Cost Evaluation	Total
	50%	50%	100%
Pindan Contracting Pty Ltd **	37.59	45.29	82.88
Pact Construction	34.83	46.01	80.84
Shelford Constructions	31.69	48.05	79.74
EMCO Building	31.46	47.20	78.66
Integria Construction	28.29	48.91	77.20
ADCO Constructions Pty Ltd	30.90	46.18	77.08
Bistel Pty. Ltd	22.05	50.00	72.05
Maintenance and Construction Services Australia (MACS)	21.63	45.98	67.61

Evaluation Criteria Assessment

Relevant Experience

In this criterion, tenderers were rated on the nature and comparability of the construction projects that they have undertaken including with the involvement of key staff nominated for the tendered works.

Pindan Construction followed by PACT Construction scored highest for this criterion, citing projects of a comparable scale and complexity to the tendered works and which their key nominated personnel had been involved in the successful delivery of various of these projects. The projects nominated included building construction works for local government and construction projects in shared 'brownfields' environments such as will be the case for the depot works.

Next highest rated were Shelford Construction and Emco Building, followed by Integria and ADCO. These tenderers demonstrated they had broadly relevant experience in delivering projects including lower value LG facilities (in the case of Shelford) and/or other types of buildings such as warehouses with offices, apartment buildings and/or college campus type



buildings. In the case of Integria, this experience related to key staff working for another company.

Less higher scoring again was MACS and Bistel, neither tenderer indicating they had the relevant company and key staff experience to take on a project of the scope, value and complexity (in respect to the working environment) of the tendered works..

Company Profile

In this criterion Tenderers submissions were evaluated on the profile of the company, their quality management systems, the indicative skill level within the organisation and the strength of the company's financial resources.

Pindan rated highest, fairly closely followed by PACT Construction. These companies are large in size with solid history, a good range of skills and levels of expertise, appear strong financially, have large reputable client lists and have quality management systems.

Next highest scoring were ADCO, Shelford and EMCO, each displaying reasonable company size and capability with years of experience in the industry and indicatively some degree of strength financially.

Bistel, Integria and MACS respectively were the least highest scoring of the tenderers in this criterion. Each rated as satisfactory on business profile including organisation structure. For inherent company skills and expertise Integria are drawing on that gained by their head personnel from previous employment, whilst MACS appeared weak in this area. Bistel looked okay in regard to financial position whilst MACS and Integria looked a little weaker in this respect.

Tenderer's Resources

For this criterion tenderers were assessed specifically on the structure, qualifications and experience of their proposed project team and the extent of concurrent commitments and backup resources to deliver the tendered works.

Pindan scored highest for this criterion, proposing what was considered by the panel to be an appropriate project team structure, with persons in nominated key roles strong on relevant experience and well supported organisationally.



PACT, EMCO and Shelford rated comparably next highest for this criterion, also proposing personnel in key positions with broadly relevant experience, team composition that appeared suitable and some depth of resource availability, although this varied across the companies.

ADCO followed by Integria rated next highest in this criterion, also nominating experienced personnel, provided basic project delivery organisation structures and indicative availability to undertake the project.

Bistel and MACS scored lowest on this criterion, including on account that it was not apparent that their nominated key staff had experience with projects of the nature of the works tendered, project team composition was scant on detail and the depth of resource and risk with current commitments was a concern.

Methodology

In submissions for this criterion tenderers nominated three key issues they would expect to encounter with the project and how they would deal with them, and submitted their proposed project delivery program (Gantt chart).

Pindan again scored highest in this criterion, citing some pertinent issues and logical approach to dealing with them, and provided a very comprehensive indicatively appropriate program of work delivery.

PACT scored next highest, similarly nominating pertinent issues and management proposals and providing a comprehensive logical program of work activity.

ADCO, Integria, Shelford and Emco rated similarly next highest, followed by MACS and then Bistel lowest, each citing issues of relevance and provided basic works programs.

Sustainability Experience

For this criterion tenderers were rated on their Environmental Management System and sustainability focussed policies and practices.

Pindan, followed by PACT, then ADCO all rated highly for this criterion, each having EMS certification and cited waste management and other sound sustainability focussed practices.



Shelford, Integria and EMCO scored next highest respectively, showing some form of EMS framework and/or policy statements and practices geared toward environmentally sustainable activity.

Bistel and MACS scored least on this criterion, offering just a statement supporting environmentally sustainable practices.

Summation and Recommendation

For all the Qualitative Criteria Pindan Construction Pty Ltd scored highest, their tender demonstrating to the panel that they have the company structure and profile, inherent expertise, key staff skills and experience and understanding of the project needs that rated them most suitable to undertake the project works.

PACT Construction rated next highest, also demonstrating that they have the capability and expertise and approach suitable to undertake the work.

Shelford, EMCO, ADCO and Integria rated respectively next highest on Qualitative criteria and could be expected to be capable of undertaking the work.

Bistel and MACS both rated comparatively low on qualitative assessment and accordingly would not be considered suitable to take on the contracted works.

Once the lump sum price is included, total scores have PINDAN scored highest on 82.88%, followed by PACT on 80.84%.

The tendered price as offered by Pindan, the highest scoring tenderer, is within the project cost estimate and is considered a fair price for the works entailed. Although the price tendered by Pindan Contracting Pty Ltd was not the lowest price submitted; the fact that Pindan Contracting Pty Ltd did not have a list of exceptions or conditions on their tender (as compared to a number of the lower priced tenders) was the final supporting aspect to supporting their tender.

Considering all of the tender submissions, the evaluation panel, recommends that Council accept the tender from Pindan Construction Pty Ltd for the estimated lump sum value of \$9.544M (incl. GST) (\$8.676M ex GST).

A financial due diligence was undertaken by the City on Chamois Unit Trust trading at Pindan Contracting Pty Ltd. The



due diligence was performed by Corporate Scorecard, a division of Veda Advantage. The outcome reported Pindan Contracting Pty Ltd as a sound building company financially speaking.

Strategic Plan/Policy Implications

Infrastructure

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

Community & Lifestyle

- Promotion of active and healthy communities.

Budget/Financial Implications

The current budget allocation (CW4385/WC00003) for the construction of the Operations Centre redevelopment is \$9.171M, with a current balance of funds of \$8.627M.

A balance of these funds totalling \$49,000 will be provided in the 2016/17 FY budget to cover the expenditure on RFT20/2015 through to its completion in early 2017, as well additional funds will be provided to cover the cost of the ancillary project costs of the sewer connection and the project management and technical support costs also related to this Stage 1 of the depot redevelopment project as detailed below (also Ex GST):.

Building Cost.....	\$8.676M
Project Management.....	\$0.239M
Deep Sewer	\$1.600M
Other costs	\$0.430M
Total.....	\$10.945M

Other costs include Architect (\$21k), completion of the outstanding forward works (\$19k) and the building fitout costs allowance (\$390k).

In all, the contract value for RFT20/2015 is within expectations and does not indicate any detrimental outcome in respect to the City's budget allocation outcomes.

Legal Implications

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers.

Community Consultation

N/A



Attachment(s)

The following attachments are provided under separate cover:

1. Compliance Criteria Assessment.
2. Consolidated Evaluation Score Sheet.
3. Tendered Prices

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 December 2015 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

DECLARATION OF INTEREST

The Presiding Member advised that he had received a written declaration of interest from Clr Allen which was an Impartiality Interest in Item 16.2 Tender No. (C100268) RFT17/2015 – Road Construction Services – Beeliar Drive Duplication – Beeliar Drive (Durnin Avenue to Spearwood Avenue), Beeliar, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of the interest is that the company I work for, Veda Advantage, which I am the State Manager, undertook corporate financial risk and assessment services of the recommended tenderer on behalf of Council.

16.2 (MINUTE NO 5698) (OCM 10/12/2015) - TENDER NO. (C100268) RFT17/2015 - ROAD CONSTRUCTION SERVICES - BEELIAR DRIVE DUPLICATION - BEELIAR DRIVE (DURNIN AVENUE TO SPEARWOOD AVENUE), BEELIAR WA (C159/008) (J KIURSKI) (ATTACH)

RECOMMENDATION

That Council accepts the Tender submission for Tender No.RFT17/2015 – Road Construction Services – Beeliar Drive Duplication – Beeliar Drive (Durnin Avenue to Spearwood Avenue), Beeliar from Tracc Civil Pty Ltd – Alternative for the lump-sum contract value of \$2,089,358.98 (incl. GST) (\$1,899,417.25 ex-GST).



COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

The City proposes to construct the second carriageway of Beeliar Drive between Stock Road and Spearwood Avenue in the suburb of Beeliar, as part of the City's ongoing major roadworks program.

The first stage of the project involves the section between Durnin Avenue and Spearwood Avenue with reconstruction of the intersection of Beeliar Drive and Birchley Road that has been designed and proposed for construction in the 2015/16 financial year.

The project consists of 1.5km of road widening of the existing carriageway by duplicating the two existing traffic lanes to provide two lanes in each direction, divided by a median island and the on road cycling lane on both sides of the road. The scope includes upgrading the street lighting (to be undertaken by Western Power), line-marking and signage (by Main Roads WA), along with landscaping.

Tender No. RFT 17/2015 – Road Construction Services – Beeliar Drive Duplication - Beeliar Drive (Durnin Avenue to Spearwood Avenue), was advertised on Wednesday, 28th October 2015 in the Local Government Tenders section of "The West Australian" newspaper.

The Tender was also displayed on the City's e-tendering website between Wednesday, 28th October 2015 and Thursday, 12 November 2015.

Submission

Tenders closed at 2:00pm (AWST) Thursday, 12th November 2015. Eleven (11) tender submissions were received from the following ten (10) companies':

Tenderer's Name:	Registered Business Name
All Earth Group Pty Ltd	All Earth Group
Ballem Civil Pty Ltd	Ballem Civil
Croker Construction (WA) Pty Ltd	Croker Construction (WA) Pty Ltd



Curnow Group (Hire) Pty Ltd	Curnow Group (Hire) Pty Ltd
Ertech Pty Ltd	Ertech Pty Ltd
Jaxon Civil Pty Ltd	Jaxon Civil Pty Ltd
Ralmana Pty Ltd	RJ Vincent & Co
Tracc Civil Pty Ltd	Tracc Civil Pty Ltd
Tracc Civil Pty Ltd – Alternative	Tracc Civil Pty Ltd - Alternative
Valmec Pty Ltd	Valmec Pty Ltd
Wormall Civil Pty Ltd	Wormall Civil Pty Ltd

Report

a. Compliance Criteria

Criteria Ref.	Description
A	Compliance with the Conditions of Tendering (Part 1) of this Request.
B	Compliance with the Specifications (Part 2) contained in this Request.
C	Compliance with Sub-Contractors Requirements and completion of Section 3.3.3
D	Compliance with Financial Position Requirements and completion of Section 3.3.5.
E	Compliance with Insurance Requirements and completion of Section 3.3.6.
F	Compliance with Qualitative Criteria requirements and completion of Section 3.4.2.
G	Compliance with Fixed Price and completion of Section 3.5.2.
H	Compliance with and completion of the Price Schedule (including breakdown of Lump Sum) in the format provided in Part 4
I	Compliance with Occupational Safety and Health Requirements & completion of Appendix A.
J	Compliance with ACCC Requirements and completion of Appendix B.
K	Acknowledgement of any Addenda issued.

b. Compliant Tenders

A Compliance Criteria check was undertaken by Procurement Services, all submissions were deemed compliant and evaluated.



c. Evaluation Criteria

Tenderers were assessed against the following criteria:

Evaluation Criteria	Weighing Percentage
Demonstrated Experience	25%
Tenderer's Resources	20%
Methodology	10%
Sustainability Experience	5%
Tendered Price	40%
Total Weightings	100%

d. Tender Intent / Requirements

The City of Cockburn (The Principal) requires the services of a suitably qualified and experienced Road Construction Contractor for the construction of the duplication of Beeliar Drive between Durnin Avenue and Spearwood Avenue, Beeliar.

The requirements includes 1.5km of road widening to the existing carriageway by duplicating the two existing traffic lanes to provide two lanes in each direction. The work includes site preparation and earthworks, drainage (stormwater), roadworks, retaining walls, fencing, and completion of 'As Constructed' Drawings.

It is envisaged the construction should commence in February 2016 with the expected build period of ten (10) weeks.

Evaluation Panel

The tender submission was evaluated by the following City of Cockburn officers. The Procurement Services representative attended in a probity role only.

Name	Position & Organisation
Mrs Jadranka Kiurski (Chair & SBMG Representative)	Manager Engineering
Mrs Jennifer Baker	Rates & Revenue Manager
Mr Ah Lek Tang	Road Contracts Coordinator
Probity Role Only	
Mr Gary Ridgway	Contracts Specialist



e. Scoring Table

The table below represents the scoring of the tender submissions from a Qualitative Criteria (Non-Cost) and Cost perspective.

The assessment panel evaluated the Qualitative Criteria of the tender submissions in the absence of the tendered prices (two-envelope system) and then the score was consolidated.

Tenderer's Name	Percentage Scores		
	Qualitative Criteria Evaluation	Cost Evaluation	Total
	60%	40%	100%
Tracc Civil P/L - Alternative	40.70%	36.57%	77.27%
Ertech Pty Ltd	43.53%	31.63%	75.16%
Wormall Civil P/L	37.10%	38.03%	75.13%
Valmec Australia P/L	34.90%	39.86%	74.76%
All Earth Group P/L	33.92%	40.00%	73.92%
Tracc Civil P/L	40.37%	33.35%	73.71%
Croker Construction (WA) P/L	31.63%	39.65%	71.28%
Curnow Group (Hire) P/L	31.57%	39.30%	70.86%
Jaxon Civil P/L	36.70%	33.42%	70.12%
Ralmana P/L	33.20%	29.33%	62.53%
Ballem Civil P/L	21.33%	30.18%	51.51%

Evaluation Criteria Assessment

Demonstrate Experience

Tracc Civil Pty Ltd presented a vast range of projects of relevant experience and in particular two projects that involved the same scope of works to the Beeliar Drive tender. The projects (cost range \$3.7M - \$4.8M) have been completed for the City of Kwinana and the City of Rockingham; demonstrated to the panel that Tracc have the appropriate level of experience required to undertake the works required. Additionally, Tracc Civil submitted an alternative tender to re-use materials on site by screening and blending existing subgrade materials.

Ertech Pty Ltd presented a vast range of projects of relevant experience and in particular three projects that involved scope of works



relevant to the Beeliar Drive duplication project (cost range \$1.M - \$6.6M).

Wormall Civil Pty Ltd presented a vast range of projects of relevant experience in civil works within new developments. Wormall Civil provided three projects (cost range \$1.5M - \$5.M) in particular that demonstrated elements relevant to the project in question.

All Earth Group, Ballem Civil, Croker Construction, Curnow Group, Jaxon Civil, Ralmana and Valmec Australia all demonstrated lesser experience in similar projects, mostly providing details of road construction works in new residential/land developments.

Tenderer's Resources

Tracc Civil, Ertech, Wormall All Earth Group, Croker Construction, Curnow Group, Jaxon Civil, Ralmana, and Valmec all scored comparatively high in this area, demonstrating that they have the key personnel with the required experience, a degree of depth in their resource pool and a capacity to undertake the work in respect to concurrent commitments.

Ballem Civil were assessed as having the lowest level of personnel experience and staffing capacity to undertake the works required.

Methodology

These qualitative criteria assessed the Tenderers understanding of the project and contract requirements in regards to the key issues they see likely to be encountered and require management of.

Tracc Civil, Ertech, Wormall Civil and All Earth Group scored marginally higher than the other Tenderers, in particular demonstrating a good understanding of the key issues likely to be encountered and proposed approach to managing such issues.

The majority of the Tenderers confirmed that the estimated ten (10) week construction period is accurate. Ralmana and Wormall Civil estimated a 12 week period whilst Ertech stated 19 weeks. Most Tenderers nominated a two week mobilisation period prior to commencement of the construction works.

Sustainability Experience

Sustainability experience is centred on the company's current level of Environmental Management System certification and focus on sustainability across their organisation. All Tenderers rated well for this



criterion, each having EMS certification, and/or environmental policies in place and other sound sustainability focussed practices.

Summation and Recommendation

Tracc Civil (Alternative) has ranked the highest on total score (qualitative and tender price) scored highly in regard to the key non-price criteria including experience, capacity, understanding of the required works and an appropriate methodology in undertaking those works.

A referee check was undertaken on Tracc Civil (Alternative), where the key Representatives who were contacted responded with a positive view of Tracc's methodology, organisation systems, and capacity and in respect to the Project Director and Project Manager nominated in their tender.

Based on achieving the highest combined score, together with extensive demonstrated experience, resources experience and capability, understanding of the works to be undertaken and positive referee comments, the evaluation panel recommends that Council accept Tracc Civil Pty Ltd - Alternative as the most advantageous submission.

A financial due diligence was undertaken by the City on Tracc Civil Pty Ltd. The financial due diligence was performed by Corporate Scorecard, a division of Veda Advantage. The outcome reported Tracc Civil Pty Ltd as financially sound, capable of undertaking the tendered work, financially speaking.

A financial due diligence was undertaken by the City on Tracc Civil Pty Ltd. The financial due diligence was performed by Corporate Scorecard, a division of Veda Advantage. The outcome reported Tracc Civil Pty Ltd as financially sound, capable of undertaking the tendered work, financially speaking.

Strategic Plan/Policy Implications

Infrastructure

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

Moving Around

- An integrated transport system which balances environmental impacts and community needs.
- Facilitate and promote healthy transport opportunities.



- A safe and efficient transport system.
- A defined freight transport network.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

The current budget allocation (CW2475/WC00213) for the construction/duplication of the Beeliar Drive (Spearwood - Stock) is \$3,965,806.

The indicative construction cost of the first stage of the project which involves the section of road between Durnin Avenue and Spearwood Avenue and reconstruction of the intersection of Beeliar Drive and Birchley Road is \$2,748,475 excluding GST, which is higher than the recommended lump sum tendered price from Tracc Civil Pty Ltd - Alternative of \$1,899,417.25 excluding GST.

Legal Implications

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers.

Community Consultation

N/A

Attachment(s)

The following attachments are provided under separate cover:

1. Compliance Criteria Assessment
2. Consolidated Evaluation Score
3. Tendered Prices

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 December 2015 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.



AT THIS POINT, CLR K ALLEN RETURNED TO THE MEETING, THE TIME BEING 8.46 P.M.

THE PRESIDING MEMBER ADVISED CLR ALLEN OF THE DECISION OF COUNCIL THAT WAS MADE IN HIS ABSENCE FOR ITEMS 16.1 AND 16.2.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 5699) (OCM 10/12/2015) - PROCESS FOR NAMING THE COCKBURN RECREATION AND AQUATIC FACILITY (154/006) (S SEYMOUR-EYLES) (ATTACH)

RECOMMENDATION

That Council approve:

- (1) for three focus groups (one in each Ward) to be conducted on the following proposed names for the Cockburn Recreation and Aquatic Centre:
 1. AVIVA Cockburn
 2. Requa Cockburn
 3. Stadium Central
 4. Cockburn Arc
- (2) that the results of these focus groups are used to recommend the name to be presented to Council in February 2016.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr P Eva that Council adopt:

- (1) as recommended;
- Insert a new (2) as follows, and renumber (2) as (3);
- (2) more names can be added by the Focus Groups or other parties for Councils consideration.

CARRIED 8/2



Reason for Decision

The short list of names should be flexible and not discount another name if it is deemed better.

Cockburn SH2O (Sports to water)
Cockburn Requa (Reversing the name)

This is not community engagement. Elected Members, residents' groups and the community need to be consulted. By making this more flexible, and saying we can get some good names after consulting with the focus group including Elected Members, then we should get more ownership of a very important structure and \$120M worth of recreation and aquatic sports facility for the Dockers. I think the community should have an input into the name.

Background

Council needs to approve a name for the new Recreation and Aquatic Facility to enable a brand style guide to be developed to inform the outfit of the interior of the facility, signage and marketing material. A rigorous naming process was researched and developed by the Corporate Communications and Recreation Services Team. This resulted in four names being shortlisted. The recommendation is that these four names are presented to three independently run focus groups (one in each Ward) and that the results of these focus groups is used to recommend the name to be presented to Council in February.

Submission

N/A

Report

The Cockburn Recreation Physical Activity and Education Centre is being developed as a community facility that will provide programs and services for all ages. It is being developed as a regional facility and will service residents of the whole of Cockburn Local Government area. Some of the attractions will draw people from the wider southern Perth region, with the waterslides likely to attract people from an even broader distance. It will be one of the most significant LGA facilities in Australia with state-of-the-art: aquatic, fitness, sports, rehabilitation, wellness, café and occasional care facilities. There are multiple stakeholders including the co-location of the Fremantle Football Club (FFC) training facilities, Curtin University, sporting clubs, commercial tenants and the general public.



The facility will need to compete in a highly competitive market. There are Local Government Leisure facilities in the surrounding areas and a number of private sector health clubs, gyms and facilities in close proximity to the new facility (as detailed in the Business Plan).

To achieve the sales required, the facility will require solid marketing and branding from the outset. The facility needs to have a name and brand that support the aspirations of the facility to be a destination in its own right that people want to visit, experience and return to and not just another Local Government Leisure Centre.

Effective names have a number of qualities:

- They communicate something meaningful about the essence of the brand;
- They are distinctive, easy to remember, say and spell;
- They are future oriented e.g. positioned for growth, change and success;
- They should be modular i.e. enable brand extensions;
- They are protectable, meaning they can be trademarked and domain names are available;
- They feel positive and certainly have no negative connotations;
- The word should be visual i.e. will lend itself to graphic presentation in a logo, in text and in brand architecture.

The names were developed from considering a vision for the facility. This involved the Working Group defining the core pillars of the destination, understanding the value proposition for the customers and extensive research into effective branding. The pillars were defined as 'active,' 'social,' 'health,' 'community' and 'destination'. These words were further expanded to assist the Working Group in developing a working vision for the facility (see page 8 attachment, 'The Brand Agency CRAPEC Naming evaluation presentation'). The working vision is:

to be the best destination of its kind in Australia, we are constantly focusing on an innovative experience that is fun, healthy and social for active lifestyles.

We greet people by name, we know and understand their needs and we communicate and inform in an effortless village-like way.

To provide a destination of excellence, we believe in collaboration between our four main pillar groups – active, social, health and community – which allows us to evolve with our user landscape in ways that others cannot.'

Seven different names types were investigated and assessed:

- Founder – *Ben & Jerrys, Ralph Lauren, Ford*



- Descriptive – *YouSendit, Toys “R” Us*
- Fabricated – *Pinterest, Kodak*
- Metaphor – *Nike, Patagonia, Apple*
- Acronym – *IBM, BMW*
- Magic Spell – *Flickr, Netflix*
- Combinations – *CitiBank, eBay*

Over a period of several months, a series of workshops were undertaken internally and 200 plus names were distilled down to preferred names through a process of elimination. Initial workshops were around creative name generation with subsequent workshops used to analyse options based on key criteria. The core Working Group rated a pool of around 60 names to reduce the number of names to 25. These 60 names included five Nyungar Aboriginal names that had been researched and their derivations. Examples include - BOOLA (many); Boola West, Boola Central; YIRA (up) – Yira Central, Yira Place; DJINDA (star) – Jindaplace; Jindapoint; KORANG (twist/turn) – Korang Central; KADA (across; bridge; link) – Kada Place; Kada Junction.

These 25 were then rated by the broader group. The highest scoring names were taken (Viva Stadium and Aspire) plus two options to satisfy more traditional tastes (Cockburn Central Arena and Success Arena). Of these preferred names, preliminary investigations showed trade marking difficulties for three of them and Success Arena was considered confusing for its locator, as the facility is not in Success. Two additional names (Stadium Central and Arena Central) were added for investigation by Executive. The word Arena was problematic for trade marking in the category of recreation and aquatic facilities, therefore Arena Central was dropped. The team then reviewed VIVA which became AVIVA and reverted to investigating names that were highly trade markable, due to the tight timeframes. REQUA came from this research, as did Cockburn ARC. The final list of four names comprises names that have shown no issue in regard to being trade-marked, so they will be in the process of being trade-marked. These are:

- AVIVA Cockburn
- Requa Cockburn
- Stadium Central (Executive addition)
- Cockburn ARC

The City received notice on 23 November from IP Australia that all four names have passed the examination stage. The names will now be advertised in the Australian Official Journal of Trademarks, at which point, the public has two months to oppose registration of the trade-mark. If it is not opposed, IP Australia will register the trademark. This will occur



approximately five months from the filing date of the applications (7 October 2015).

City Officers applied for all four names, so that Elected Members could be briefed on four names, provide guidance as to their preferred option and know that whichever name was recommended could continue the trade-marking process.

The City has also purchased acceptable website addresses/domain names relating to the four final names.

Once Council has agreed on the name of the facility there will need to be a brand style guide prepared that will inform the community on the unique nature of the facility and include the logo, uniforms, promotional art work and signage. A website will need to be prepared very soon to generate interest in the progress of the facility up to opening day and then be a key source of information for all users and those with an interest in the facility.

It is proposed that three focus groups are conducted in each Ward in December 2015. Typically there are 10 -12 people (maximum) recommended in a focus group in accordance with research industry standards. The focus groups would be run independently to ensure no bias and the advice would be that no one outcome is sought. Neither staff nor Elected Members would be present to influence any discussion. The focus groups would comprise a presentation on branding and naming; of the process followed to date and a presentation of the four shortlisted names and their pros and cons. The facilitator would lead a discussion on these names to obtain a view from the Group. These results would be provided to the Administration and form the basis of a report to Council in February with a final recommendation for a name for the new Recreation and Aquatic Facility.

Recruitment of these focus groups would be via the South Lake Leisure Centre Database; by inviting representatives from the City's Community Groups and Sporting Groups, as well as an invitation to 120 residents who took part in a survey about their possible future use of the Centre and who provided their contact details to receive future information about the new Recreation and Aquatic Centre. It would be a requirement that representatives of each focus Group reside in the relevant Ward.

Timing

The Brand Style Guide needs to be developed by 1 May 2016 for the architects to integrate the brand in to the building i.e. the colours are incorporated throughout the design of the building and the brand is incorporated within the signage. If a Council decision is made in February, the following timeline would apply.



Action	Date	Outcome	Comment
Focus Groups	15-17 December		Very tight deadline but necessary to make final deadline
Council Agenda item with name recommendation	Week 1 – February 2016	Name is decided	
Three further brand/logo concepts are worked up on the preferred name	4 weeks – complete w/e 6 March 2016	There are six logo options to choose from	Project planning of content/client meetings; two weeks to design secondary graphic elements and examples of brand applications; one week approval process
Preferred three options are presented to the reference group for discussion	9-12 March	Logo option is decided	
Brand Style Guide is Developed	4 weeks by 10 April	Brand Style Guide is used by architects to inform interior/signage; is used to develop future promotional material including websites; advertisements; e-newsletters; uniforms; membership cards etc.	
Architects require brand style guide to inform interior/signage	By 1 May	Brand is integrated in to the building	
Work on project website can commence 13 April 2016	Completed by mid - May	Project website informing status of project; what is coming in the new facility	

Strategic Plan/Policy Implications

Infrastructure

- Facilities that promote the identity of Cockburn and its communities.

Budget/Financial Implications

Develop three further concepts for the final logo - \$2,000

Develop Brand Style Guide - \$30,000



Develop project website - \$5,000 (this is not the ultimate website for the facility, which will need to be budgeted for separately for 2016-17).
Three Focus Groups – \$8,000

Legal Implications

Trade-marks for this name are currently being filed. The initial assessment in September indicated that the chosen name would meet the requirements for acceptance for registration under the Trade Marks Act 1995. Where this is the case, IP Australia advised that it is almost certain that the trade mark will be approved.

Community Consultation

Up to 50 staff representatives of broad demographics, many of whom are Cockburn residents, took part in initial workshops/internal focus groups. It is proposed that 3 community based Focus Groups provide a final recommendation for the preferred name.

Attachment(s)

1. The Brand Agency briefing on the naming of the Facility.
2. Overview of the naming of the process

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

NOTE: DURING DISCUSSION ON ITEM 17.2 IT WAS:

(MINUTE NO 5700) (OCM 10/12/2015) - EXTENSION OF TIME

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes that Council extend the meeting time for 30 minutes, the time being 8.58 p.m. in accordance with Council's Standing Orders Local Law Clause 4.14.

CARRIED 10/0



17.2 (MINUTE NO 5701) (OCM 10/12/2015) - MANAGEMENT AND OPERATIONS - COCKBURN RECREATION PHYSICAL ACTIVITY AND EDUCATION CENTRE (154/006) (R AVARD)

RECOMMENDATION

That Council seeks requests for proposals (RFP) from suitably qualified and experienced entities to manage and operate the new Cockburn Recreation, Physical Activity and Education Centre in accordance with the requirements set out in the report.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr P Eva that Council not seek requests for proposals (RFP) to manage and operate the new Cockburn Recreation, Physical Activity and Education Centre (CRPAEC).

CARRIED 6/4

Reason for Decision

While an approach has been made from an experienced operator in recreation facilities which indicates that Council could be better off financially by outsourcing the operation of the CRPAEC, it is considered that Council should ensure that all elements of this iconic facility can be retained to the level of excellence that is currently enjoyed by the community at the Council operated South Lake Leisure Centre.

Council has adopted a Business Operations and Management Plan (BOMP) that assumes the new Centre will be operated using Council resources and accepting that there will be a deficit in the first year of operation. It will provide the level of certainty necessary for the relevant employees and the future patronage of the facility, most of whom will be members of the Cockburn community, for the BOMP adopted by Council to be given every opportunity to progress to the level of success contained within that Plan. If the KPI's included in that Plan are not achieved, then Council could rightfully seek an alternative management model at that time, however, it is considered that an internally controlled operation should be preferred initially.



Background

Council at its meeting of 12 February 2015 resolved to adopt the Cockburn Recreation Physical Activity and Education Centre Plan (CRPAEC), and the CRPAEC Business Operations and Management Plan prepared by Warren Green Consulting. These reports and the associated business plan budgets were based on an in-house operation, that is, the facility would be managed and operated by City of Cockburn staff.

Recently, the City received correspondence from a private sector operator of Recreation Centres across Australia indicating that it could guarantee a substantial financial return to Council for the first two years of operation if it was granted an arrangement under Contract to manage the new facility on behalf of the City of Cockburn.

Submission

N/A

Report

The Warren Green Report identified a range of options for the operation and management of the CRPAEC which included in general terms the following:

- City Management - such as the current arrangement with the South Lake Leisure Centre (SLLC) in-house operation).
- Out-sourced Management Agreement - where an operator manages the facility on behalf of the Local Authority.
- Lease to an independent party - hands off relationship between the operator and the Local Authority.

The City has been operating under the in-house model at SLLC since first opening and has proven to work effectively. There has never been a market test for the facility therefore it is not known whether a more effective management model could have been utilised.

The second alternative of out-sourced management is a more collaborative management and operations model in which there are a number of prescribed roles and responsibilities for each party. The Local Authority in this situation would have a level of control over a number of aspects of the facility operation such as fees and charges, opening hours, cleaning and maintenance.

The third option is a more commercial arrangement where the lessee essentially operates all aspects of the facility. The Local authority has little say in the day to day operational matters and would establish



several high level Key Performance Indicators for the lessee. It is suggested that this option would not be acceptable to Council as it gives the City little control over critical aspects of the operation and the provision of services to residents of the City.

City Officers have met with a range of Local Authorities here and interstate that has out-sourced the operation of their recreational facilities. Generally they were happy with the arrangement in providing a cost effective customer focussed service. Frequently they emphasised the importance of having a very clear and tight contract with a skilled and competent facility manager. The preferred option of these authorities was the collaborative management model in which the Local Authority establishes a number of key requirements with the ability to adjust as conditions and situations change.

It is proposed that the Council test the market for an operator of the CRPAEC with the following parameters based on assumptions made in the Warren Green Report:

1. The City will provide a fully completed facility with the requisite furniture and equipment.
2. Staff currently employed by the City would be offered positions with the contractor appropriate to their experience and skills.
3. Fees and charges for all aspects of the facility usage will be established by the City.
4. Prescribed opening hours will be set by the City.
5. The café/kiosk area will be available for lease by the contractor.
6. The contractor will be able to operate a retail shop for sport related clothing and equipment. It is to be understood that the Fremantle Football Club will also have a retail store for club merchandise and other sporting related equipment and clothing.
7. Energy costs (power and gas) -The City will pay all energy costs for the first 2 years. After that time the City will negotiate with the contractor on who will pay the cost for power.
8. For the period of the contract the City will be responsible for all major maintenance items. Operational maintenance will be the responsibility of the contractor (indicatively items up to the value of \$5,000 will be paid by the contractor).
9. The contractor will be responsible for all other operational matters.
10. The contract will be for 5 years with the City retaining the option to extend for a further 5 years.

A Request for Proposal (RFP) with parameters as described above will be called to allow the City to make some comparison between the business case adopted by Council in the Warren Green Reports and the tendered proposals. A scope will be included for tenderers to provide alternative proposals with their submission.



It is anticipated that practical completion and handover of the building to the City will occur toward the end of 2016. There is an enormous amount of work that needs to be done by the complex manager whether the person is appointed by the City or another party. To achieve a smooth transition from the SLLC to the new complex a decision on who will manage the facility needs to be made early in 2016. This will allow time for the facility manager to be employed by at least mid-2016.

Should Council agree to proceed with the Request for Proposal incorporating the parameters noted above it is proposed that a report be submitted to Council providing an analysis of the proposals submitted and compare them against the in-house business plan prepared by Warren Green Consulting. A preferred RFP could be the basis for a contract to manage and operate the CRPAEC should this be the desire of Council.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.
- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.
- Partnerships that help provide community infrastructure.
- Facilities that promote the identity of Cockburn and its communities.

Community & Lifestyle

- People of all ages and abilities to have equal access to our facilities and services in our communities.
- Promotion of active and healthy communities.

A Prosperous City

- A range of leading educational facilities and opportunities.
- Creation and promotion of opportunities for destination based leisure and tourism facilities.

Budget/Financial Implications

In the current Business Plan adopted by Council the following is budgeted: (before depreciation).

Year 1 Loss.....\$611,178



Year 2 Profit.....\$72,960
Year 3 Profit\$464,995
Year 4 Profit.....\$725,336

Legal Implications

Tenders for services are to be called in accordance with section 3.57 of the Local Government Act 1995.

Community Consultation

This is a public tender in accordance with the requirements of the Local Government Act.

Staff at the South Lake Leisure Centre have been briefed on the proposal and will be progressively kept informed of the outcomes.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil



21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS

21.1 (MINUTE NO 5702) (OCM 10/12/2015) - MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 25 NOVEMBER 2015

RECOMMENDATION

That Council adopt the Minutes of the Chief Executive Officer Performance & Senior Staff Key Projects Appraisal Committee Meeting held on Wednesday, 25 November 2015, as attached to the Agenda, and adopt the recommendations therein.

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr B Houwen that the recommendation be adopted.

CARRIED 10/0

Background

The Chief Executive Officer's Performance and Senior Staff Key Projects Appraisal Committee met on 25 November 2015. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Committee meeting are provided as a confidential attachment to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

Report

The Committee recommendations are now presented for consideration by Council and, if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.



Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.
- A skilled and engaged workforce.

Budget/Financial Implications

Committee minutes refer.

Legal Implications

Committee minutes refer.

Community Consultation

N/A

Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee meeting held 25 November 2015 are provided to the Elected Members as a confidential attachment.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the December 2015 Ordinary Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Committee Minutes refer.

21.2 (MINUTE NO 5703) (OCM 10/12/2015) - REIMBURSEMENT OF CHILD CARE COSTS TO ELECTED MEMBERS (086/001) (D. GREEN)

RECOMMENDATION

That Council:

- (1) approve the reimbursement of child care costs to Elected Members on occasions where the member is attending any event or function in his or her capacity as a representative of Council, pursuant to Regulation 32 (1) (c) of the Local Government (Administration) Regulations 1996, and



- (2) refer the matter to the next meeting of the Delegated Authorities, Policies and Position Statements Committee for inclusion in Council Policy SC26 "Reimbursement of Elected Member Expenses"

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr S Pratt that the recommendation be adopted.

CARRIED 10/0

Background

Council has a Policy which determines the type of expenses incurred by elected members in performing their civic role which will be reimbursed by Council. One such expense is for the cost of Child Care incurred by members in attending Council and Standing Committee Meetings.

Submission

N/A

Report

The current practice of limiting the occasions where the reimbursement of the cost of child care incurred by members to only include formal meetings of Council and Committees is not considered to reflect the role now expected of elected representatives of the City of Cockburn.

The circumstances for which elected members at local government level are now required to represent the community have increased in the City of Cockburn in line with the level of population and the range of issues involving greater community interaction by Council.

Far from being an expectation of the community that elected officials will only be required to attend formal meetings of Council on its behalf, there are other elements of the role that require clarification for the purpose of fulfilling these obligations. These include training (especially newly elected members) and industry related seminars, attending bona fide community organisation meetings and varied other civic events / functions on behalf of the City of Cockburn. This situation has become more obvious since the election of Councillor Terblanche at the recent



elections, who, as a mother of infant children, has identified a need for the provision of child care to enable her to allocate the necessary time to adequately attend to Council related engagements.

Council's current Policy only recognises the limitations of the relevant legislation in terms of the occasions that a member can lawfully claim for the reimbursement of child care expenses incurred while performing a function on behalf of the City. However, the same legislation makes it allowable for a local government to nominate other circumstances where it may reimburse a member the cost associated with performing a function on its behalf. In these circumstances, it is possible for Council to reasonably prescribe such occasions, even though they differ from the content of its Policy. In context, the reimbursement of child care costs incurred by an elected member in the performance of related community obligations is considered to be entirely reasonable.

Accordingly, it is recommended that Council broaden the circumstances to which the reimbursement of child care expenses can be reimbursed to an elected member and the relevant Policy be updated at the next opportunity to align with Council's decision.

Strategic Plan/Policy Implications

Policy SC 26 "Reimbursement of Elected Member Expenses refers.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

Council's Governance Account is sufficient to cover any claims for reimbursement.

Legal Implications

Sections 5.98 (2) (b) and (3) of the Local Government Act 1995 and Regulation 32 (1) (c) of the Local Government (Administration) Regulations 1996 refer.

Community Consultation

N/A

Attachment(s)

N/A



Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 5704) (OCM 10/12/2015) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr P Eva that the recommendation be adopted.

CARRIED 10/0

25 (OCM 10/12/2015) - CLOSURE OF MEETING

The meeting closed at 9.06 p.m.



CONFIRMATION OF MINUTES

I, (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: Date:/...../.....

